



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

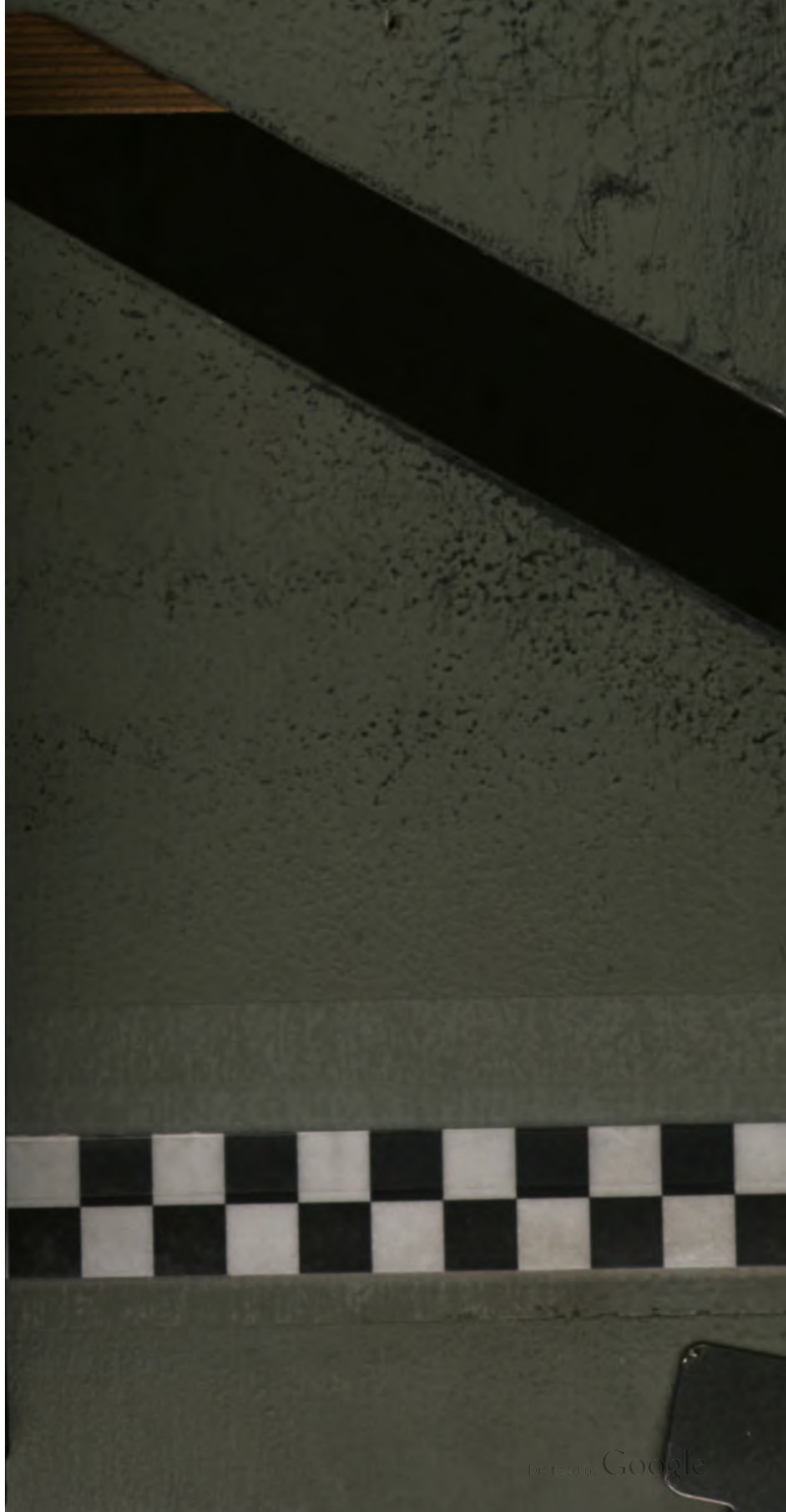
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>





NON - CIRCUL

THE
Parliamentary Register;
OR,
AN IMPARTIAL REPORT
OF THE
D E B A T E S
THAT HAVE OCCURRED IN THE
TWO HOUSES OF PARLIAMENT,

IN THE COURSE OF

The Third Session of the Second Parliament of the United
Kingdom of Great Britain and Ireland.

VOL. I.

LONDON:

PRINTED FOR JOHN STOCKDALE, PICCADILLY.

1805.

✓
301
H2

GOVT. DOC.
DIVISION

T. Gillet, Printer, Crown-court, Fleet-street.

CONTENTS

OF

THE PARLIAMENTARY REGISTER,

VOL. I. 1805.

DURING THE THIRD SESSION OF THE SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS.

	Page		Page
HIS MAJESTY'S SPEECH on opening the Session -	1	Earl Spencer	323, 594
<i>Address on the Speech.</i>		Lord Sidmouth	339
Lord Eliot	3	Lord Walsingham	435
Lord Gwydir	5	Lord Ellenborough	544, 595, 648
Earl Carlisle	7		
Lord Hawkeſbury	9	<i>Important Debates.</i>	
Duke of Clarence	11	Lord Ellenborough	39
Lord Grenville	ib.		
Duke of Norfolk	15	<i>Spanish Papers.</i>	
Lord Mulgrave	ib.	Lord Grenville	76
		Lord Hawkeſbury	77
<i>Judge Fea.</i>		Lord Mulgrave	78, 95
Marquis of Abercorn	15, 34	Earl Spencer	95
Lord Carleton	16, 337	Earl Carlisle	96
Lord Hawkeſbury	16, 46, 306, 436	Earl Darnley	97
Lord Chancellor	33, 543, 393		
Lord Grenville	304, 338, 594	* For the Papers laid before Parliament relative to the discussion with Spain, see the end of the volume.	
Duke of Clarence	835		
Earl of Limerick	336	<i>Spanish War.</i>	
Earl of Carlisle	336, 416	Lord Mulgrave	159
Earl of Weſtmoreland	337	Earl Spencer	161
Lord Auckland	337, 543, 592	Lord Sidmouth	185
Lord Mulgrave	337, 595	Lord King	187
		Earl of Weſtmoreland	188
		Earl	

	Page		Page
Earl Darnley	188	Earl Stanhope	503
Earl Fitzwilliam	189	Earl Romney	ib.
Lord Hawkesbury	ib.	Earl of Carlisle	504
Lord Grenville	ib.	Lord Hawkesbury	505
<i>Lord St. Vincent.</i>		Earl Darnley	508
Duke of Clarence	261	Duke of Montrose	509
Lord Sidmouth	262	Lord Carysfort	510
Lord Hawkesbury	ib.	Earl of Westmoreland	ib.
<i>Additional Force Act.</i>		Lord Grenville	511
Earl Darnley	263	Lord Mulgrave	514
Earl Camden	265	Lord Chancellor	515
Earl of Suffolk	267	Duke of Clarence	516
Lord King	ib.	Lord Sidmouth	ib.
Duke of Cumberland	269	Lord Melville	517
Earl of Westmoreland	ib.	Earl Spencer	518
Earl Spencer	271	<i>Mutiny Bill.</i>	
Lord Sidmouth	273	Marquis of Buckingham	568, 578
Duke of Clarence	276	Earl Camden	577
Lord Mulgrave	277	Duke of Cumberland	578
Lord Grenville	279	Lord Hawkesbury	ib.
Lord Melville	286	Duke of Clarence	579
Lord Hawkesbury	288	Lord Mulgrave	ib.
Earl of Buckinghamshire	290	<i>Admiralty Board.</i>	
Lord Chancellor	292	Earl Darnley	568, 588
<i>Suspension of the Habeas Corpus Act in Ireland.</i>		Lord Melville	571, 588
Lord Grenville	340, 343	<i>Irish Catholic Petition.</i>	
Marquis of Sligo	340	Lord Grenville	638
Lord Hawkesbury	341	Lord Auckland	ib.
Earl of Carlisle	342	Lord Hawkesbury	639
Earl Spencer	ib.	Duke of Norfolk	ib.
Earl of Longford	ib.		
Duke of Montrose	343	HOUSE OF COMMONS.	
Earl of Enniskillen	ib.	<i>Address on the Speech.</i>	
Duke of Clarence	ib.	Mr. Dillon	17
Earl of Limerick	ib.	Mr. Charles Adams	18
Earl Darnley	ib.	Mr. Fox	19
Lord Auckland	ib.	Chancellor of the Exchequer	22
Lord Mulgrave	434	Mr. Windham	25
<i>Naval Artificers.</i>		The Address	30
Earl Fortescue	437	His Majesty's Answer	35
Lord Melville	438	<i>India.</i>	
Earl St. Vincent	439	Mr. Francis	36
<i>Defence of the Country.</i>		Lord Castlereagh	38
Lord King	500	<i>Defence of the Country.</i>	
Earl Camden	502	Mr. Windham	41, 44, 49
		Chancellor of the Exchequer	50
		<i>Spanish</i>	

CONTENTS.

	Page		Page
<i>Spanish Papers.</i>		<i>Army Estimates.</i>	
Mr. Fox	45, 60, 85	Secretary at War	86
Chancellor of the Exchequer	45, 59, 60, 84	Mr. Francis	88
Mr. Grey	50, 56, 81	Mr. Calcraft	88
* For the Papers laid before Parliament relative to the Discussion with Spain, see the end of the volume.		Mr. Kinnaird	89, 91
		Mr. Whitbread	90
		Chancellor of the Exchequer	90, 92
		Mr. Fuller	93
		Mr. W. Pole	94
<i>Middlesex Election of 1802.</i>		<i>Loyalty Loan.</i>	
Lord Marsham	65, 72, 522, 538	Chancellor of the Exchequer	126
The Speaker	66	Mr. Huskisson	130
Mr. Francis	ib.	<i>Irish Loans in England.</i>	
Mr. Fox	72, 115, 523	Lord A. Hamilton	99, 611
Chancellor of the Exchequer	73, 115, 525, 527	Mr. Foster	100, 612
Attorney General	119	Lord Henry Petty	613
Mr. Sheridan	122, 520	Chancellor of the Exchequer	614
Mr. Hawkins Browne	123	Mr. Fox	ib.
Mr. J. Fitzgerald	ib.	Mr. Grey	615
Master of the Rolls	523	<i>Charge against Sir H. Popham.</i>	
Mr. Fuller	525	Mr. Kinnaird	101
Mr. Adam	529	Sir H. Popham	106, 112
Mr. Rose	535	Admiral Markham	110
Mr. P. Moore	537	Mr. Dickenson	111
Solicitor General	538	Chancellor of the Exchequer	111, 114
Mr. W. Smith	540	Mr. Fox	112, 113
Sir W. W. Wynne	541	<i>Judge Johnson.</i>	
Lord Henniker	ib.	Mr. Fitzgerald	133, 134
Mr. Smith	ib.	Attorney General	133
Mr. C. Wynne	542	<i>Suspension of the Habeas Corpus Act in Ireland.</i>	
<i>Commission of Naval Inquiry.</i>		Sir Evan Nepean	135, 260
Mr. Giles	69, 398	Sir John Newport	136, 299
Chancellor of the Exchequer	401	Mr. Denis Browne	137
Mr. Martin	ib.	Col. Hutchinson	138, 303
Sir W. Elford	402	Sir John Stewart	138
Mr. Sheridan	ib.	Mr. Windham	139, 297
Mr. Grey	403	Chancellor of the Exchequer	141, 296
Sir C. Pole	404	Mr. Fox	145
Admiral Markham	ib.	Lord de Blaquiere	154, 300
Mr. Creasey	406	Mr. Sheridan	155
Mr. Fox	407	Mr. Alexander	ib.
Mr. Canning	408	Mr. Martin	156, 298, 325
Mr. Bragge Bathurst	410	Mr. Dawson	157
Lord Henry Petty	ib.	Lord Henry Petty	252, 295, 324
Mr. I. H. Browne	411		Mr.
Mr. Tierney	ib.		

	Page		Page
Mr. Ker	260	Mr. Rose	331
Mr. Pytches	ib.	Sir R. Buxton	332
Mr. C. Wynne	297	Mr. Windham	ib.
Mr. Ward	298	Mr. Lascelles	333
Mr. McNaghten	299		
Mr. Bagwell	300	<i>National Defence.</i>	
Mr. Kinnsird	ib.	Mr. Windham	345
Dr. Duigenan	301	Mr. Canning	362
Mr. May	ib.	Sir W. Young	370
Lord Temple	302		
		<i>Mutiny Bill.</i>	
<i>Spanish War.</i>		General Fitzpatrick	380, 430
Chancellor of the Exchequer	175, 347	Secretary at War	415, 429
Mr. Grey	192	Colonel Stuart	431
Lord Castlereagh	204	Sir Eyre Coote	ib.
Lord Temple	208	Sir James Pulteney	546
Advocate General	209	Lord Temple	ib.
Mr. Windham	211	Chancellor of the Exchequer	ib.
Mr. Raiae	213	Lord De Blaquiére	547
Mr. Bankes	222	Col. Frankland	ib.
Mr. Johnstone	224	General W. Stewart	ib.
Mr. Hiley Addington	227	General C. Stewart	ib.
Dr. Lawrence	229	Sir J. Wrottesley	548
Master of the Rolls	232		
Mr. Fox	238	<i>Knaresborough Election.</i>	
List of the Minority	249	Lord W. Russell	397
Address on the War	256	Chancellor of the Exchequer	398
His Majesty's answer	257	Mr. Rose	575
<i>Abolition of the Slave Trade.</i>		<i>Salt Tax.</i>	
Mr. Wilberforce	294, 391	Lord W. Russell	417
Sir W. Young	294, 385	Chancellor of the Exchequer	418
General Tarleton	295, 387	Mr. Fox	420, 498
General Gascoyne	381	Mr. Egerton	422
Mr. C. Brooke	384	Mr. Giddy	ib.
Mr. Barham	386	Sir W. Pulteney	423
Mr. Fuller	388	Mr. Rose	424, 496
Mr. H. Addington	ib.	Mr. Alderman Combe	ib.
Sir W. Pulteney	ib.	Lord A. Hamilton	ib.
Mr. Fox	389	Mr. Johnstone	425, 432, 495
Mr. Huddleston	390	Mr. Huskisson	433, 497
Chancellor of the Exchequer	39	Mr. Kinnsird	496
Lord Temple	393	Mr. Hurst	497
		Mr. Calcraft	ib.
<i>The Budget.</i>		Mr. W. Smith	498
C. of the Exchequer	309, 320, 328, 333	Mr. S. Bourne	ib.
Mr. Fox	318, 321		
Mr. Johnstone	326	<i>Property Tax.</i>	
Mr. Francis	328	Sir John Newport	433
Mr. Calcraft	329	Chancellor of the Exchequer	434
Mr. Sheridan	330	Mr. Bankes	435
Mr. Egerton	331		
Mr. Kinnsird	ib.	<i>Additional</i>	

CONTENTS.

vii

	Page		Page
<i>Additional Force Act.</i>		<i>Chancellor of the Exchequer</i>	
Mr. Sheridan -	443, 489	Mr. Fox -	601
Chancellor of the Exchequer	463	Secretary at War -	605
Mr. Windham -	477	Mr. Johnstone -	ib.
Mr. Whitbread -	482	<i>Regulation of Primes.</i>	
Mr. Bragge Bathurst -	483	Sir W. Scott -	608
Mr. Tiersney -	484	<i>Volunteering from the Militia.</i>	
Mr. Fox -	485	Chancellor of the Exchequer	616,
Lord Castlereagh -	489		625
List of the Minority -	491	Earl Temple -	619
<i>Husbandry Horse Tax.</i>		Lord Stanley -	622
Mr. Plumer -	548	Marquis of Douglas -	ib.
Chancellor of the Exchequer	549	Sir J. Pulteney -	623
Mr. Coke -	ib.	Mr. Balford -	ib.
Sir W. W. Wynne -	550	Mr. Fuller -	624
Mr. Fox -	ib.	<i>Supplementary Budget.</i>	
Mr. H. Williams -	551	Chancellor of the Exchequer	632
Mr. Giles -	ib.	<i>Legacy Bill.</i>	
Mr. Canning -	ib.	Sir Henry Mildmay -	631
Mr. Grey -	552	Lord G. Cavendish -	633
Attorney General -	553	Mr. Spencer Stanhope -	ib.
Sir R. Buxton -	ib.	Chancellor of the Exchequer	634
Mr. Balford -	ib.	Mr. Grey -	635
Mr. Spencer Stanhope -	ib.	<i>Irish Catholic Petition.</i>	
Mr. Huskisson -	554	Mr. Fox -	644, 650
Mr. Fellowes -	ib.	The Petition -	ib.
<i>Irish Budget.</i>		Mr. Cartwright -	650
Mr. Foster -	558, 584	Dr. Duigenan -	651
Mr. J. Fitzgerald -	566, 582	<i>Reduction of the Militia.</i>	
Lord A. Hamilton -	566	Mr. Hughes -	653
Mr. Corry -	566, 585	Mr. Yorke -	654
Mr. Dawson -	582	Mr. Balford -	656
Sir J. Newport -	584	Marquis of Douglas -	658
<i>War in India.</i>		Lord Stanley -	ib.
Mr. Francis -	580	Lord Euston -	659
Lord Castlereagh -	ib.	Chancellor of the Exchequer	ib.
<i>The Printing Business.</i>		Mr. Windham -	664
Sir J. W. Anderson -	597		
<i>Arrears of Mr. Fordyce.</i>			
Mr. Creevey -	599		

THE
PARLIAMENTARY REGISTER,

DURING THE THIRD SESSION OF THE SECOND
PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND.

HOUSE OF LORDS,

TUESDAY, JANUARY 15.

THIS day, about half past two o'clock, his Majesty came to the House of Lords, to open the sessions, and being seated on the throne, made the following most gracious speech to both Houses of Parliament:

“ My Lords and Gentlemen,

“ Since the end of the last session, the preparations of the enemy, for the invasion of this kingdom, have been continued with incessant activity, but no attempt has been made to carry their repeated menaces into effect.

“ The skill and intrepidity of my navy, the respectable and formidable state of my army and militia, the unabated zeal and improved discipline of a numerous volunteer force, and the general ardour manifested by all classes of my subjects, have indeed been sufficient to deter them from so presumptuous and desperate an enterprise.

“ While this spirit continues to animate the country, and its voluntary exertions for its own defence subsist in their full vigour, we need not fear the consequences of the most powerful efforts on the part of the enemy. But let us never forget that our security has arisen from the resolution with which we have met and provided against the danger, and that it can be preserved only by steady perseverance and unremitting activity.

“ The conduct of the court of Spain, evidently under the predominant influence and control of France, compels in

me to take prompt and decisive measures to guard against the effects of hostility. I have at the same time endeavoured, as long as it was possible, to prevent the necessity of a rupture; but in consequence of the refusal of satisfactory explanation, my minister quitted Madrid, and war has since been declared by Spain against this country.

"I have directed a copy of the manifesto which I have caused to be prepared on this occasion to be laid before you, together with such papers as are necessary to explain the discussions which have taken place between me and the court of Madrid. You will, I trust, be convinced by them, that my forbearance has been carried to the utmost extent which the interests of my dominions would admit; and while I lament the situation of Spain involved in hostilities contrary to its true interests, I rely with confidence on your vigorous support in a contest which can be attributed only to the unfortunate prevalence of French counsels.

"The general conduct of the French government on the continent of Europe has been marked by the utmost violence and outrage, and has shewn a wanton defiance of the rights of neutral territories, of the acknowledged privileges of accredited ministers, and of the established principles of the law of nations.

"Notwithstanding these transactions, so repugnant to every sentiment of moderation and justice, I have recently received a communication from the French government, containing professions of a pacific disposition.

"I have in consequence expressed my earnest desire to embrace the first opportunity of restoring the blessings of peace such grounds as may be consistent with the permanent city and interests of my dominions; but I am confident I will agree with me, that those objects are closely connected with the general security of Europe. I have therefore not thought it right to enter into any more particular
expla-

explanation, without previous communication with those powers on the continent with whom I am engaged in confidential intercourse and connection; with a view to that important object, and especially with the Emperor of Russia, who has given the strongest proofs of the wise and dignified sentiments by which he is animated, and of the warm interest he takes in the safety and independence of Europe.

“ Gentlemen of the House of Commons,

“ I have directed the estimates for the public service to be laid before you: I regret the necessity of any additional burthens being imposed on my people, but I am sure you will be sensible how much their future safety and happiness depend on the vigour of our exertions, and that in the mode of raising supplies, you will continue to shew your anxiety for the support of public credit, and for restraining, as much as possible, the accumulation of the national debt.

“ My Lords and Gentlemen,

“ In considering the great efforts and sacrifices which the nature of the contest requires, it is a peculiar satisfaction to me to observe the many proofs of the internal wealth and prosperity of the country. It will, I am sure, be your great object to maintain and improve these advantages, and at the same time to take all such measures, as by enabling me to prosecute the war with vigour, may afford the best prospect of bringing it to a safe and honourable termination.”

Lord Viscount Sidmouth was then introduced in his robes, when his majesty's patent creating him Viscount Sidmouth was read, and his lordship took the oaths and his seat.

Earl Ashburnham also took the oaths and his seat.

His majesty's speech being read,

Lord Eliot begged pardon of the house for intruding on them when there were so many other noble lords in that house much more qualified for the task of moving an address of thanks to his majesty for his most gracious speech. He hoped, however, as it was a subject in which every man in

that house must be presumed to be deeply interested, that he should be excused in following the line he intended to adopt, which was simply to move an address which should be an echo of his majesty's speech. That was the usual mode for many years back, and he apprehended the house would not be disposed to depart from it on the present occasion. The first point in his majesty's speech was one on which, he was convinced, there could be but one opinion. That no invasion of this country had yet been attempted, notwithstanding the boast and menaces of the enemy made even at the commencement of hostilities, was a subject which could not fail to be gratifying to every person in this country. Any enterprise of the kind, successful even to the smallest extent, would be productive of most disastrous consequences. Notwithstanding the high state of preparation, however, in which our enemy had long been; notwithstanding it was a fact, that according to his own accounts, his armament for the purpose of invasion was long since completed; notwithstanding the great display of ships and of forces on the opposite shore, our gasconading foe had never yet attempted to put his threat in execution. What was the cause of this departure from his long-promised menace? Not forbearance on his part, but the state of preparation in which he had now become sensible that this country was, and a conviction that any attempt of the kind would only redound to our honour, and to his farther disgrace. Our force of every description was such as precluded him from even the shadow of hope of success. Our army, our navy, our militia force, were all in the highest state of preparation. But there was another species of force, formerly unknown in this country, which must have put an end to all the hopes of our enemy. The volunteer force of the country had reached to an extent never heard of, or supposed capable of being brought forward in this country. To this spirit which pervaded the whole nation, not to any forbearance of our enemies, we were indebted for our safety; and, as was justly observed in the speech, so long as that spirit prevailed we should be secure, but to insure our safety we must not relax in our exertions, nor allow that spirit to subside. The second point in his majesty's speech regarded Spain; but as the papers necessary to form a judgment on that subject were promised to be laid before the house, it would be unnecessary to make any observations on it, or to do more than simply to declare the intention of the house to give it every serious

serious attention when it should come properly before them, and in the mean time to promise his majesty every assistance in their power to carry on the war with effect, and to bring it to a speedy and successful termination. He must, however, be forgiven at present for saying, that from every thing which yet appeared a war with Spain seemed not only just, but indispensable, and such as had been provoked by the conduct of the Spanish court, which had allowed its councils and deliberations to be governed by French influence, and had supplied its treasures and resources to our enemies, thereby furnishing them with the sinews of war, and at the same time disregarding our remonstrances on the subject, and refusing or evading a satisfactory explanation when required to give one. As to the other point in the speech, namely, the overtures lately made to his majesty, by our enemies indicating a pacific disposition, he presumed to think there could be but one opinion on the subject, and that that must be to the effect contained in his majesty's speech—that while all overtures towards peace were ready to be attended to, and should meet with such reception as their sincerity might seem to deserve, no relaxation should be made in our endeavours to render our situation still more formidable, and less obnoxious to the attempts of our enemies, should their pacific propositions prove insincere. His lordship concluded by moving that an humble address be presented to his majesty.

Lord Gwydir—My lords, after the most gracious speech we have this day heard from the throne, and the extensive view which the noble lord has taken of the address which he has moved, it will be unnecessary for me to trouble you with a long discussion of the subject under debate: but as an Englishman, it is impossible not to view with exultation and confidence, the exalted situation which this country at present enjoys. Secure at home, and respected abroad, we may hear with tranquillity those vain-glorious boastings of our enemy, which in no single instance have been carried into effect. Contented with a display of vessels and troops, he has not dared to attempt the expedition he has so loudly proclaimed; his fleets and his flotilla have constantly remained under the protecting cannon of his own shore. The long continuation of peace with Spain has been matter of greater surprise to the public than the declaration of war we have so lately heard: the declaration was reduced to a mere question of prudence; and our having so long ab-
stained

strained from that declaration, affords a strong presumption of a pacific disposition. Supplies in money, unauthorized by treaty, had been required by France, and granted by Spain; nor were they likely to be refused. Her councils and her riches, her fleets and her armies, had long been subject to French despotism; nor could peace with Spain continue for a moment after the interest of France demanded war. Fresh engagements were entered into by Spain, and all explanation to us of the nature of these engagements utterly refused. In this state of things were we quietly to wait the convenience of France and Spain? Were we to conduct the contest in the mode best suited to their wishes? Were we to become the willing dupes of fallacious promises, and by forbearance almost assist in supplying Spanish wealth for the payment of those armies which, within sight of our coasts, were threatening our ruin? Or were we, by a manly and decisive conduct, to strike at the root of the evil, and anticipate the open hostility of Spain, by seizing those treasures which the French had put in requisition, with the view of employing them for our destruction? Self-preservation seemed to demand the conduct which has been followed: and I have no doubt, when the papers and documents are laid upon your table, your lordships and the public will applaud the measure from a conviction of its justice. With respect to the communication lately sent from France, it would be a waste of your lordships' time were I to enter at any length on a proposal the precise terms and extent of which are not made known to the house. But thus much at least we may decide; that whatever change of disposition it may profess, our preparations and exertions should experience no relaxation. I would at this moment neither raise nor diminish the hope of such a peace as the interest and humanity of this country equally demand. But peace, to be a blessing, must bring with it a moral and well-founded assurance of lasting and mutual benefits; not that false and hollow security, which can lead only to feverish repose;—peace in words, malignant hostility in actions. In the conduct we adopt, we must not forget the lessons so recently taught by painful experience. It may neither be improper nor irrelevant to look back a little to the period of the last peace. From the concessions then made, and the eagerness shewn by this country, the first consul concluded we were a vanquished nation; his conduct was in conformity to his opinion; insult was added to

injury, and at the moment to which I allude, we had only to choose between instant hostilities or lasting degradation. The nation felt, as I trust it always will feel, when its honour and dearest interests are attacked; so outraged and insulted, it preferred danger to disgrace, and unanimously approved the renewal of the war. The first consul, who had proposed peace only as a more efficacious and secure mode of carrying on the contest, who knew he should obtain by concession, what he never would have gained by force, was not prepared for so vigorous or so early an exertion. His rage and disappointment must not be forgotten. If we are now to presume that honourable and permanent peace is the real object of the recent communication from France, great and sudden must have been the change of disposition in the government of that country. It is unnecessary to state the events of the last few months, which call for this observation. They are too deeply engraved on the recollections of your lordships to need any fresh detail. We may hope for peace, but we must prepare for war. If the necessary exertions and privations are beyond all former precedent, the object also for which we are contending is above all value. In this sentiment I trust we shall all agree, that no sacrifices are too severe, no efforts too great or too painful, to support and secure the honour, dignity, and true interests of the nation. Strongly and deeply impressed with these sentiments, I have presumed to support the address proposed. I have now only to return your lordships my most humble and sincere thanks for that attention I have had the honour to receive.

Earl Carlisle did not rise to disturb that unanimity by which he was aware it was greatly to be wished the house should be actuated on a subject of so much importance as the present. When he heard his majesty's most gracious speech read, so cordially did he agree in every sentiment expressed in it, that he did not think it would have been necessary for him to say a single word on the subject. Some observations, however, which had fallen from the two noble lords who moved and seconded the address, seemed to require explanation. He, for one, wished to enter his protest against the supposition, that in agreeing to the address as proposed, he meant to pledge himself on a subject as to which the house was not in possession of the facts necessary to enable them to form a judgment; he meant the war with Spain. On that subject, whatever might be his own private opinion,

opinion, whatever he might know as an individual which might induce him to think that either the conduct of the government of this country had been correct or otherwise, that house was not in possession of such parliamentary information as could warrant them at present in expressing any opinion on it. As, however, the subject had been started, though he thought the noble lords would have acted more discreetly in waving it, he must be excused in saying a few words on the point. The noble lord opposite (Lord Gwydir) had said that we were not bound to sit tamely by while the Spanish court were supplying our enemies with money and other requisites for warring against us. This he was by no means inclined to dispute. But then it would have been but fair and reasonable, that a war might not unnecessarily be plunged into, that some precise requisition on the subject should be made to the Spanish court, and a day fixed for them to give their decisive answer, before hostile measures had been resorted to. He was anxious to know if this had been the case. It was necessary not only that a thing should be fair, equitable, and justifiable in itself, but that the manner in which it was gone about should likewise be fair, just, and agreeable to the known and established law of nations. There was in one part of this business too, an occurrence of a very melancholy and deplorable kind, which, without imputing blame to any particular person, or at all inquiring into the immediate cause of the accident, he could not help thinking might have been guarded against. If it was deemed fair and justifiable to detain the Spanish ships, might it not have been so managed that they should have been met by a force of such superior magnitude, as to have made it not dishonourable in them to submit to the detention, rather than by one of such equal force, as would have entailed disgrace on them, had they surrendered without resistance? Again, if it was fair that ships of war having treasure on board should be detained, he was anxious to know where the policy or propriety could exist of allowing merchant ships to pass unmolested? These were some of the circumstances connected with the rupture with Spain, which appeared to him to require explanation, and on account of which, he could not allow the address to pass, without stating that he by no means pledged himself to say, when the necessary papers were before the house, that he should think that that business had been properly conducted. There was another part of

of the address which he could not allow to pass without observation. It was said that our army was on a respectable footing. This term our army had been thought six months ago not to deserve, and under the administration of a noble Lord whom he was happy now to see in that house, it had been strongly insisted that our army was greatly defective; nay, that was generally understood to have been the ground for that noble Lord, then in the other house, retiring from office. It was not in one particular branch, too, that this deficiency was said to exist, but in every department. The right honourable gentleman who came in promised great things; and an act was passed under his auspices, to effect this purpose. So far, however, from answering the end proposed, it was now allowed that this act had been found completely useless; indeed a more ridiculous, absurd, and oppressive act was never conceived. Not a single soldier had been raised by it; it was not calculated at all for that purpose. By what means, then, he should be glad to ask, had this state of defence of ours, so defective under the noble lord's administration, become so respectable and effective under his right honourable successor's, without any aid but the ridiculous, absurd, and unproductive act to which he had alluded? But he supposed it would be admitted by the right honourable gentleman (Mr. Pitt) that every thing was now very well, and that there was nothing inefficient or defective in the government of the country. He begged it, however, to be understood that he, in agreeing to the address, did not mean to admit the respectability of the state of our army when that should become the subject of discussion. His lordship concluded by expressing his happiness to concur in the sentiments of the speech, as to which he was convinced the most perfect unanimity must every where prevail, declaring that he had only thrown out the observations which had dropped from him lest it might be supposed that he had precluded himself, by his concurrence in the address, from judging of the points to which he had alluded, when they should afterwards come regularly before the house, accompanied by the evidence necessary for forming a fair judgment upon them.

Lord Hawkebury—To his apprehension, the noble earl had misconceived what fell from the two noble lords who moved and seconded the address. They had not spoken of the rupture with Spain in such terms as to indicate that the

house, by agreeing to the address, were to be presumed to approve of the conduct of government in that respect, nor had they even declared their own conviction on the subject; but had merely stated that, *prima facie*, there was presumptive evidence to shew, that this country had not been the aggressor, but had been compelled, in self defence, to embark in the contest. He was happy, however, of that opportunity of informing his lordship and the public, that the point on which his principal doubt seemed to hang, had been literally acted on in the very manner he himself had suggested. An explanation had been demanded from the Spanish government, and a particular day had been fixed for the final answer of that court. The explanations demanded by our government had been refused; intimation of our resolution to detain their ships had been made; our minister at Madrid had applied for passports; had obtained them, and had actually taken his departure before the news of the capture of their ships had reached Spain. He agreed, however, with the noble lord, that the justice and policy of the measure, and the mode in which it had been executed and carried through, were all subjects proper for investigation, but they would come to be judged of more properly when the necessary papers were on the table. As to the state of the defence of the country, he was happy also to declare, though it was not the proper time for entering into the details, that it had considerably increased since the prorogation of parliament, and particularly that part applicable to the general service, or what was termed the disposable force of the country, had increased in more than a proportionable measure. The recruiting for this part of the service he had no hesitation in saying, was greatly promoted, if not solely occasioned, by a bill passed in the session before last, termed the Army of Reserve Bill, by which persons engaged for a limited service, having acquired military habits, were more readily induced to enter into a service of an unlimited nature. The avowed object at the time of passing that bill was to procure a large force without relation to the extent of its service, not one for an extended service. That object, however, was changed when the last bill was brought forward, and it was then declared that the object in view was to procure a large disposable force. In these respects, therefore, the acts differed, but still the force of the country was at this moment such as afforded a most flattering picture

picture to the inhabitants of these kingdoms, and a very dark and unpleasant one to those who had expected to be able to accomplish its overthrow.

The *Duke of Clarence* did not expect, after what had fallen from his noble friend behind him (*Earl Carlisle*), that another word would have passed on the subject of the present address. As, however, the noble secretary of state had thought proper to make some explanations on the subject of the rupture with Spain, he must be excused for declaring that he cordially agreed with the noble earl in thinking that it would have been more becoming the magnanimity and humanity of this great nation to have employed a fleet of double the strength in the detention of the Spanish ships, when that detention was resolved on, by which means the unhappy accident which had occurred would have been avoided. The act by which it had been alledged that our army was to be rendered so completely effective, and by which such wonderful things were to have been produced; he also agreed with the noble earl in thinking absurd and ridiculous in the extreme, and completely inadequate to any good purpose. He understood it would be one of the first acts of the present cabinet to repeal it.

Lord Grenville—I rise, my lords, to express my perfect concurrence in the motion that has been made. There is no point in the address in which I do not most cordially agree, understanding always, that as we have not any documents on the table by which we can ascertain the actual state of our force, I must not be interpreted as having concurred in any declaration upon that subject. But with this explanation I desire to be understood that there is no one point in the address which has not my most perfect concurrence; and I am sure it will have the concurrence of every British heart; for it must be the feeling of every man, that we ought steadily, constantly and vigorously to persevere in the contest in which we are engaged, until we can bring it to a safe and honourable termination: and towards that effect, that we ought all to surround the throne with an unanimous declaration of supporting his majesty in the resolution which he has this day so graciously expressed, of maintaining the honour and interests of the empire inviolate. I do assure the noble secretary of state, that there is no individual who enters more earnestly into the wish which he so warmly expressed on this subject than myself. We can have but one sentiment on the principle of national ho-

nour and security. Whatever differences there may be as to the manner of attaining the great end, there can be none as to the end itself. I rejoice, therefore, that the address is drawn up in terms in which this house can unanimously agree. I shall only, therefore, detain you by a remark on two points, which form the principal features of the speech. The first is the overture which his majesty has been graciously pleased to signify has been made to him by the French government. It is impossible to say at this moment more than this—that uninformed as to the tenor and extent of that overture; and uninformed of the basis, if any, which it proposes for a negotiation; or of the disposition and temper with which it was made; or of any one circumstance connected with it; we can only join his majesty in a general declaration that peace is undoubtedly desirable, provided that it can be obtained upon terms which shall give permanent security to the British empire; that it shall be honourable as well as secure; and that it shall be consistent with the general interests and tranquillity of Europe. This is the declaration which his majesty has been graciously pleased to make in his speech; and in this declaration I most perfectly concur; it is candid, honourable, and magnanimous. It is the dignified as well as the political language which this country ought to maintain; and I therefore congratulate the house on the reception which has been given to this overture. I understand by the speech that his majesty thinks it essential to the honour and security of this empire, that he should enter into no negotiation until he has advised with those powers on the continent with whom he is in habits of confidential intercourse and connection. I rejoice in this declaration, and wish even that in practice the principle may be carried further. In my opinion, it is the wise policy of Great Britain, in the present state of Europe, to solicit communication with every power on this great and important subject; and to endeavour by every means to obtain the co-operation of every power which has a community of interest, or a community of sentiment. There is no safe and no honourable peace to be obtained by other means. You must cultivate this understanding by every means; you must take no step without a constant, steady, and confidential communication with every one who feels with you, that the very bonds of society, and of all just government, require this co-operation. Above all others, it is material to consult that great power who is represented as sympathising in your opinion,

opinion, and who is undoubtedly, by his position, interests, and capacity, your natural ally in this great work. These opinions I have never failed to express at every period of this war when I have had occasion to trouble your lordships, since I had the honour of a seat among you; and I rejoice to see that they now appear to be duly appreciated by the house in general. I have heard the noble lord's declarations to-night with the most heartfelt pride and satisfaction. They are such as he was heretofore accustomed to maintain, and they do him infinite honour. I wish I could repeat his words verbatim, that I might still further endeavour to enforce them on every heart; but I think his expression was, that it was by too great an extent of concession, and by shewing too great an eagerness for negotiation, that we had fallen into the snare which led to the present war, since it had taught our enemy to regard us as a conquered country. No reflection could be more true—no recollection could be more useful. It ought to be a warning to us in every step we take, and the experience of this fatal truth ought now to animate and guide our councils. As to the other subject, the new war in which we are involved with Spain, I perfectly agree with the noble lord who moved the address, that we ought to lose no time in assuring his majesty, that we will make every exertion to support his just rights, and the honour and dignity of his crown; but we cannot go one step further until we have the papers laid before us, and ascertain the grounds upon which we are called upon to enter into this war. I cannot agree that the mere naked fact, which is stated by a noble lord as being notorious, that money supplies have been given by Spain to the French, affords in itself a satisfactory proof of the justice of the war. Admitting that fact simply, I must go further for an explanation of the grounds of war. I by no means wish to weaken or diminish in any degree the just rights of the realm, in maintaining the laws of nations: but on the other hand, with every leaning towards our own claims and rights, we ought not to be betrayed into a temper that shall make us forget what is due to our enemies. It ought to be recollected, that by the law of nations, a supply of succours by a neutral power to an enemy, to a limited extent, previously ascertained, and that by treaty concluded before the war, is not to be considered as an act of hostility, nor made the ground of a rupture. This is not my individual opinion alone, but it is the recognized sentiment of civilized Europe; and therefore I say, the mere noted fact of Spain having fulfilled her treaty with

with

with France, is not upon the face of it a justification of the war. But it is impossible to speak until we shall see the papers. I must, however, concur with my noble friend (the Earl of Carlisle), that there are two points of view in which the war with Spain is to be examined, namely, as to the question of right, and the question of expediency. It is not merely requisite that the house and the nation should be convinced that the war was actually provoked, but also that in the mode of conducting the explanations that were demanded, and in all the steps that led to it, there was no harshness that could have been avoided. It is necessary to shew us that we have not merely right on our side, but that we did not by any improper, violent and unjustifiable precipitation on our part, hurry them to a rupture that by prudence, respect and dignified forbearance, might have been prevented. It is only by facts, as they shall come out in the papers to be laid on the table, that these two points can be ascertained; and I only say, therefore, for the present, that a very unfavourable impression has been made on the public mind by the manner in which this rupture first manifested itself. This unfavourable impression is universally felt; and it is essential to the British character that it should be removed. Facts only can remove it; and I therefore trust that no time will be lost by ministers in giving us the means of forming a true, candid and fair judgment. In a war like the present, when we avow the necessity of consulting the opinion of enlightened Europe, it becomes indispensable for us to shew that in our conduct we have not merely respected the rights of an independent state, but that we have observed all the respect that is due to the sovereign of a brave, a high-minded, and an honourable people. With respect to other topics that have fallen from noble lords this day, I shall not detain you with any observations now. The state of our force, the magnitude of our preparations, and the security which we enjoy, will all be the subject of future discussion. In the mean time I cannot hear it made the source of self-congratulation and of panegyric, that we have been near two years at war and yet have not been invaded. I confess, that that is no great cause of triumph; and I hope that we shall reap other laurels from the strength, spirit, and zeal of our armies and navies, than the mere boast that the enemy has not landed on our shores. My lords, I concur in the motion for the address, and I again express my sincere satisfaction at the sentiment which has been so unequivocally declared to-day, that it is only in communion with the great powers of Europe that we

we can listen to any terms of pacification with the government of France.

The *Duke of Norfolk* gave his vote in support of the motion for the address which had been moved for, as freely and as sincerely as any noble lord in that house. There was one point, however, of which he did expect that the address would have taken notice. He had heard it spoken of, and he had seen it mentioned in the papers, that a most respectable meeting had been held in Ireland, for the purpose of considering of a petition to be presented to parliament, praying for the emancipation of a numerous and highly valuable body of his majesty's subjects. It was well known to their lordships, that a principal reason assigned by a right hon. gentleman for his resignation of his official situation, was his inability to carry that measure into execution. For his own part, he had not any communication whatever with any individual of the persuasion to which he had alluded, but he was of opinion that it would come with a much better grace, if it came from any of his majesty's ministers spontaneously, than if the legislature or the government of the country were to wait until the petition was laid before that house.

Lord Mulgrave assured their lordships, that the documents respecting the difference between Spain and this country were now in preparation, and that they would be laid before the house as speedily as possible.

The question was put and carried *nem. dis.*

JUDGE FOX.

The *Marquis of Abercorn* reminded their lordships of a motion which had been made last session, respecting the conduct of one of his majesty's judges in Ireland. He had not since that period received any information which was sufficient in his mind, to warrant him in altering the opinion which he had then formed, and upon which he had founded his resolution to move their lordships for an investigation of all the circumstances of the case, as stated in the petition of Mr. Hart, for the learning of every thing which that learned judge had to urge in his defence, and for a final determination upon the whole of the case as it should appear to their lordships. He now meant only to inquire of their lordships what mode should be adopted for the further proceeding on that subject, and he was prepared to bring it before the house at whatever time their lordships should think fit. If, however, no precise period should be determined on by the house, he should move
their

their lordships to take the petition into consideration on Monday next.

Lord Carleton had lately seen a letter from the person to whom the noble marquis had alluded, and he was well convinced that it was his wish, as well as that of the noble lord who had just sat down, that the case should undergo the most speedy, full, and minute investigation. Many of the witnesses, however, who must necessarily attend before the house were professional gentlemen, to whom attendance at a particular period might be extremely inconvenient. He therefore hoped that, if possible, they would be called upon either before or after term, according as it might be most convenient to the house.

Lord Hawkesbury considered it happy for this country, and much to the honour of those who had for a series of years had the administration of our laws, that this was a case entirely new to their lordships, and unknown to the constitution. For the purpose of obtaining a greater degree of regularity in their proceedings, he suggested that the house should on Monday take into consideration what was the most regular mode of proceeding in such an extraordinary case, and that on Wednesday they should enter into a discussion of the subject matter of the complaint contained in the petition which had been presented to the house, no doubt with the most pure and conscientious motive.

His lordship's suggestion was immediately agreed to.

Lord Walsingham was appointed chairman of the committees of the house.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, JANUARY 15.

The speaker came down to the house about two o'clock, soon after which, Mr. Quarme, the deputy usher of the black rod, appeared at the bar and summoned the house, in conformity to his majesty's command, to attend his majesty in the house of lords.

The speaker accordingly, attended by most of the members present, left the house to attend on his majesty; and having returned, the speaker informed the house that during the recess he had issued warrants to the clerk of the crown, for new writs for members to serve in parliament for Warwickshire, Dumfries, Horsham, and Totness.

Mr.

Mr. Foster, Sir Evan Nepean, Sir John Stewart, Mr. Mainwaring, and some others, took the oaths and their seats.

The bill was then moved for the better preventing clandestine outlawries, and ordered to be read a second time.

A new writ was ordered for Rutland, in the room of Lord Carberry.

For the borough of Devizes, in the room of the Right Hon. Henry Addington, sent up to the house of peers.

For Buckingham, in the room of Lord Viscount Proby, deceased.

For the county of Leitrim, in the room of Lord Clements, now Earl of Leitrim.

For the joint boroughs of Haddington, Dunbar, &c. in the room of the Right Hon. Thomas Maitland, appointed governor of Ceylon.

For Westlooe, in the room of James Buller, Esq. who had accepted of the Chiltern Hundreds.

For the county of Peebles, in the room of Sir James Montgomery, Bart. appointed lord advocate of Scotland.

For the city of Edinburgh, in the room of the Right Hon. Charles Hope, appointed lord justice clerk of Scotland.

The Speaker then informed the house, that the house had been in the house of lords, in pursuance of his majesty's commands, and had heard his majesty's gracious speech from the throne, of which, for the greater precision, he had procured a copy, and would read it to the house.

ADDRESS ON THE SPEECH.

The speech of his majesty having been read from the chair, *Mr. Dillon* rose for the purpose of moving an address to his majesty, in answer to his majesty's gracious speech. The different paragraphs contained in the speech he was confident must give great satisfaction to every one in the country. Some of them, perhaps, might give rise to discussion, but that discussion at present would neither be necessary nor proper. Of this description he thought the second one relating to Spain might fairly be considered. The papers relating to that subject would on a future day, as they had been assured, be laid before the house, when the conduct of his majesty's government would appear to be fully justified. The overtures that had been proposed to his majesty, and which they were assured were of a pacific nature, could not fail of giving great satisfaction to that house, and to the nation at large. They opened, undoubtedly, very flattering and cheering prospects. The wise and dignified sentiments of Russia also

must have been witnessed with the greatest satisfaction, which, by resenting, in many instances, the conduct of the enemy, were very justly considered as favourable to the views of this country. With regard to the defence of the country, he thought the house must allow that we were in the best circumstances. No exertions in this respect had been wanting on the part of the administration. Ireland, which was always considered as the most vulnerable part of the empire, was, in every respect, well protected, and placed, he thought, beyond the reach of every danger. His majesty had farther directed them to turn their attention to another important object, the justice of which would be readily allowed. So long as the war was necessary, it must be carried on with spirit; and to produce this effect, it would be necessary to support the public credit. In regard to the war with Spain, he again repeated, that nothing could be said with propriety till the papers relating to that subject should be laid before the house, which his majesty had graciously promised to do on some future day, when it might with more propriety become a subject of discussion. The hon. gentleman then moved, that an humble address be presented to his majesty, &c.

Mr. Charles Adams—I rise to second the motion of the hon. gentleman, and do it with the greater confidence, as I flatter myself, after the able statement we have just heard, it will meet with the unanimous concurrence of the house. Sir, at a time like the present, when we are already engaged in a war, not of choice, but of necessity, it must be highly gratifying to the feelings of every one of us to find that the enemy's long threatened invasion has proved abortive: that we have not only protected our own shores, but we have shut him up in his harbours, and blockaded every port from the Adriatic to the Texel. I say, sir, at a time like this, I feel it most peculiarly my duty to support his majesty's government, when we are informed by his majesty's most gracious speech from the throne that we have a new enemy on the continent to contend with; an enemy misled, I fear, by weak counsels, and overawed by the mandates of a powerful and despotic ally; an enemy, whose hostile views were not to be averted by amicable interference, or suspended by negotiation. Sir, there are moments when too much caution becomes a crime, and forbearance sinks into pusillanimity. That moment, sir, was not far distant: Spain has declared war against us, and force must be opposed to force. But, sir, upon this topic I shall dwell no longer, as the proper documents

ments are not yet laid before the house. Amidst this extended warfare, it must be matter of heartfelt satisfaction to every friend of his country, to find by his majesty's speech that assurances of a pacific disposition have been received from France. God grant they may be sincere! I doubt not they will be met on our part with dignity and moderation. I heartily congratulate the house upon the statement we have heard of the prosperity of the commerce, revenue, and resources of this great empire. In a word, sir, I feel confident that this house will carry up to the foot of the throne assurances of its most cordial and unanimous support in a crisis so momentous as the present. For these reasons, sir, I beg leave to second the motion for the address.

Mr. Fox felt it necessary to trouble the house with but very few words. He did not mean to object to the address, nor had he risen for the purpose of urging any opposition to those parts of it with which he was not altogether satisfied. He wished barely to make a few observations with respect to two omissions in his majesty's speech, as well as to another omission in the address. In the uninformed state in which the house was, respecting the circumstances to which the omissions related, they could not judge of the grounds on which the propriety of making them rested; nor could this be made evident, without still further explanation than was contained either in the speech or the address. As to the omission in the address, he should first observe, that the house was made to pledge itself, on a question on which no further information was for the present called for, to approve "his majesty's determination, not to give any further explanation with respect to it, till he shall have consulted with certain courts, with which he maintained a confidential intercourse and connection." It had not appeared to him in the first view, why any explanation on the subject was necessary. When his majesty declared that he was ready to enter into negotiations, and accede to such conditions for the restoration of peace, as were consistent with the honour, security, and welfare of his empire, that was all he was bound to express, or the house could with propriety require. But when his majesty, in stating this readiness, also declared that he would not give any further explanation until he had consulted other powers, not stated to be in alliance, but on terms of confidential intercourse and connection with him, he was not prepared to agree in approving of this determination, until he should know what was the nature of this confidential connection. It was possible

possible that the reasons might be good for this determination. It was possible that, when he should be acquainted with those reasons, he should consider them as strong as those who had advised his majesty to declare it. But he would not advise the house of commons to sanction by its approbation such a determination, whilst so totally in the dark respecting the reasons upon which it was founded. As to the omissions in the speech, there was one which excited in him much surprise. When he had heard the name of the hon. gentleman who was to move the address, when he called to mind all the circumstances under which the catholic question had been lost three or four years since, he had expected that some recommendation on the subject would have been contained in the speech. He had expected that the first advice to his majesty, at least from some of his present ministers, would be to recommend to his parliament this measure, so essential to give full effect to the union of the empire. Without the adoption of this measure, the measure of the union must fail to produce any of its boasted benefits. He had therefore entertained a sanguine expectation that the measure would now be brought forward, and that expectation had been considerably increased when he heard the name of the hon. mover of the address. He was disappointed, however, in finding that there was not a single expression in the speech to shew that it was in the intention of ministers to take up the consideration of the subject; and if the subject should not be taken into consideration, no honest man could be of opinion that the situation of the empire would be prosperous, or its tranquillity stable. He thought it extraordinary that the hon. mover had not even adverted to it. As to what the hon. mover had said of all that had been done for the defence of Ireland, he was ready to agree that its military and naval defence should be placed on the most respectable footing; but the best defence of any country would be the complete union of the people who compose its inhabitants. With respect to the other omission, which was perhaps of more importance, he thought it right to say, that, on all former occasions when great measures had been enacted by parliament for the welfare and security of the country, it had been usual for his majesty in his speech, at the opening of the session, to pay some compliment to their efforts, by stating the success that had attended their measures. Though he was one of those who were of opinion that this compliment was sometimes not deserved, yet when he recollected the many nights he had sat up in

in the discussion of the measure of last session, for raising an additional force ; when he called to mind that that was the first measure of a new administration, as some considered it, but which others as strenuously denied it to be ; when he reflected that this measure was the only difference between that administration and one that had been, perhaps justly, stigmatized for its imbecility, and that it did not profess to be a measure for the improvement of discipline, but for the creation of a great disposeable force, he had reason to think that some account of the success that had attended it would have been communicated in the speech from the throne. From all he had been able to observe, the measure had not only failed, in the common acceptation, viz. of the sanguine expectations entertained from it, but altogether ; for it had not, according to all that he could discover, answered any one end proposed to be accomplished by it. From this failure, one of two consequences would necessarily follow ; either that we no longer want that great disposeable force, which had been on all hands allowed necessary to the public security, or that some other mode of procuring it would be necessary. Which of the two was the case he knew not, but he could not avoid expressing his surprise, that no notice had been taken of the subject in his majesty's speech. He hoped, however, that this matter would be satisfactorily explained ; and he was confident it ought, when he called to mind all he had himself said when the measure was first under discussion ; when he recollected the suggestions that had been thrown out on the subject, by members who had not the honour to be in the highest favour with the house ; when he reflected that it had then been represented as a measure that ought not to originate with any single individual, but to be the result of the collected wisdom of the house ; when he reflected that the representations of those who supported the proposition for taking the sense of the house, had nearly convinced it of the propriety of that course of proceeding, and that their arguments had all the effect of conviction. He thought that, as this measure had been the only one of the new administration, some allusion ought to have been made to it in the speech. He granted the measure had produced great debates, and afforded an opportunity for the display of the talents of those who had engaged in its discussion, but still it had failed in its object. One word more he should say on the subject of that transaction, respecting which his majesty had given directions to lay certain papers before the house. As it was impossible

possible to anticipate their contents, it would be but to pre-judge the question to say any thing now on that subject. Yet he could not but admit, that on the first view, the capture of the Spanish frigates, as frigates, appeared a measure unseemly to the honour of the nation. If that could be done away by a statement of facts, he should rejoice in the circumstance. But he was sure there never had been a time when it was more necessary that the honour and integrity of the nation should be maintained pure and inviolate. In the speech, the outrages committed by the French government had been adverted to, and he was ready to admit that the outrages were undoubted, and such as could not fail to call forth the unqualified disapprobation of every one who set any value upon the laws of nations, and the established rights of civilized society. But if after having engaged in the war, we were disposed to change the ground of the war; if we meant to stand for right and moderation, we should take care to be clear of any imputation of violence; if we were to engage in a new war on a new ground, we should prove to the world, whilst we were advocating justice and moderation, we were ourselves just and moderate. We should act so that surrounding nations might not perceive that acts of violence and outrage were committed on both sides; that they should not conclude that two great nations vie with each other only in outrage, aggression, and violence, and that the smaller independent states were to be the sacrifice. He hoped and trusted that this subject would be fully and satisfactorily explained. He was confident that when the question should be under discussion, they would come to its consideration without any partiality to our own government, or the exclusive interests of our country, without any prejudice against the cause of Spain; and that they would look upon themselves as bound to prove to the world, that in entering into this war, we had acted under the influence of necessity, and in conformity with the strict and immutable principles of the laws of nations. He had thought it necessary to say thus much previous to the question being put, in explanation of his sentiments with respect to the matter of the speech.

The *Chancellor of the Exchequer* was happy that it would not be necessary for him to take up the attention of the house with many words, because he perceived that it was not in the intention of the hon. gentleman opposite to object to the address, or to propose any amendment. He should only advert to those points which had been touched upon by that hon. gentleman,

gentleman, and principally the first he had mentioned, in which he had expressed a doubt as to the propriety of calling on the house to approve the wisdom of his majesty's determination not to make any further communication with respect to the pacific propositions, until he should communicate with certain powers, and especially with the Emperor of Russia, of whom his majesty had spoken in terms which, he trusted, would afford satisfaction to every member of that house. He agreed, that it was impossible for the house, by its vote of that night, to pledge itself implicitly to any measure founded on the communication in his majesty's speech. But if his majesty expressed his confidence that the house would concur in every measure necessary for the security of the empire, if he particularly directed their attention to certain points arising out of the wise, noble, and magnanimous conduct of the Emperor of Russia, which were important to the security and independence of Europe, he trusted that all those who were of opinion that the commanding situation of this country would have a considerable influence on the state of Europe, would agree as to the magnitude and importance of such considerations, and the necessity of communicating with that august monarch. There would be another occasion for inquiring into the grounds of his majesty's determination, when the documents would be before the house, and it would be regular for them to consider the question. Then it would be open for every gentleman to inquire into the grounds on which this determination rests, and to shape his conduct accordingly. It would be obvious to every hon. member, that there were certain periods in the connections between states, when it would be imprudent and impolitic to publish or explain altogether the nature of them, and he trusted that gentlemen would not look upon him as called on to give a further explanation on this subject, than was contained in the speech. He flattered himself, that the hon. gentleman over against him (Mr. Fox) would do justice to his discretion in this instance, and consider what he had thus advanced sufficiently satisfactory. With regard to the other omission to which the hon. gentleman had adverted, as it could not then be a subject of debate, he should not say much upon it. As the subject would, before long, become the object of the particular attention of the house, it would not in that instance be necessary for him to dwell upon it. With regard to the situation of Ireland, he should say one word, as it had been particularly adverted to. The hon. gentleman had

had argued that the measure of union would be of no advantage to Ireland, if the catholic measure were not to be adopted. When he considered the time that had elapsed since the union act had passed, when he saw that no proposal had been brought forward by the hon. gentleman since for promoting that catholic measure, he was at a loss to know why he should feel surprise at its not being recommended nor mentioned in his majesty's speech. But as it was not now the subject of discussion, he should not dwell upon the topic; he should only say, that if he had himself thought as the hon. gentleman on the subject, he would have considered it his duty to have advised his majesty to have recommended it in his speech. What the grounds were on which he had acted would appear when the subject should be under discussion; they were sufficiently known to the public, and he was confident he should acquit himself to the country on the occasion. With regard to the bill of last session, to which the hon. gentleman had alluded, as no mention had been made of it in the speech, it was not regularly before the house; and it would not be necessary for him to observe upon it at any length. He was conscious however and confident, that he could urge satisfactory reasons in justification of it; and though he was ready to admit, that what it had furnished as an accession to our disposable force was extremely small, he was well convinced he could prove satisfactorily, that under all the circumstances of the case, it was the most expedient measure that could have been adopted at the time. He did not think it necessary to urge more on this subject in the present instance, when it was not regularly before the house; he could not omit however to state, that our military situation had by other measures been much improved, that our disposable force was greatly beyond what it had been on any former occasion, when it was agreed on all hands that such a force was essentially necessary to the defence and security of the empire. He would not, however, deny that further measures were necessary to place that force on a footing or a level with the exigencies of the country, and calculated to hold our rank as a great people amongst the nations of Europe, and he meant before long to call the attention of the house to the subject. He had but one other word to add. The hon. gentleman had studiously avoided entering into the question respecting the Spanish war, but had enforced the necessity of our setting, particularly in the present instance, an example of forbearance and moderation. He perfectly
agreed

agreed with the hon. gentleman, that it behoved this country at all times, and now more than ever, to give unequivocal proofs of its temper, justice, and moderation, and when the question should come fairly before the house for consideration, he flattered himself that he should prove beyond the possibility of doubt, that the circumstance of the capture of the Spanish frigates, so far from being an act of violence or aggression, had been dictated by a spirit of moderation and forbearance; that his majesty, when he could justly resort to and enforce the rights of war, had from a benignant principle of forbearance modified and restrained them to certain prudential and temperate precautions, calculated to prevent a concealed enemy from gathering fresh strength to be employed against the welfare and security of his dominions. As the question was not then before the house, he should not dilate upon it, he should only lay in his claim, whenever it should be regularly before the house, to vindicate the transaction from the imputation of aggression or violence, and prove it an instance of forbearance continued as long as the security of Europe and our own immediate interests would permit. He did not feel it necessary to trespass longer on the attention of the house, as he did not perceive any opposition likely to be made to the address.

Mr. Fox in explanation stated, that the right hon. gentleman could not be surprised at his not having brought forward any motion on the subject of the catholic question, when he called to mind, that one of the greatest objections to it three or four years since had been, that as a ministerial measure it would be a good one, but very unlikely to succeed, if brought forward by any gentleman not connected with administration. If the right hon. gentleman reflected on what had passed on that occasion and since, he would not be surprised at his silence, nor at his surprise at not finding the measure recommended in the speech.

Mr. Windham agreed with his hon. friend (*Mr. Fox*), that there were some passages in the address which appeared objectionable; but as the subjects of these passages were to be the grounds of future discussion, he would not have troubled the house upon them at present, if it were not for what had been said upon the last point adverted to. It was said that there was something extraordinary in the surprise which his hon. friend (*Mr. Fox*) had justly expressed, that the subject of catholic emancipation was entirely passed over. The rea-

son why his honourable friend thought the subject should be brought forward now was, that there was a ministry which was friendly to it; the reason for not bringing it forward before was, that there was a ministry hostile to it. Under those circumstances, the same motive produced the conduct which had been observed by his hon. friend in both instances, and his forbearance under the former administration, and his activity now, were by no means contradictory. With respect to the subject of continental connections, he wished to know more of how things stood before he gave any opinion. It was recommended to the house to rely on what had been done, and it must rely on it as leading to the most important results; and yet all the ground that had been communicated for this reliance, in this most important point, ended in nothing but an allusion to the interest which one power took in what concerned the safety and public rights of Europe. He thought a more distinct view necessary before the sense of the house could in any degree be given; but in the hope that a more distinct view would be given, and that there would be liberty to exercise the full judgment of the house, on full and clear information, he had no difficulty in concurring in the address for the present. There was something in the address which struck his ear as carrying in it something like a sort of approbation of the conduct of the government of this country towards Spain. It was certain, that in the state of information in which the house was at present on this point, no positive approbation could be given, nor, indeed, any final disapprobation. But even before the house or the country could be prepared to express a final opinion upon it, he thought that in such a matter they should express their opinions upon the case as far as it went. When cases of such an important nature were proceeded upon and explained at intervals and by stages, no stage ought to pass without the expression of an opinion upon it. He should be sorry that any stage of a case, such as that to which he now alluded, should pass, and the house or any member in it, omit to stamp a character on it according to the view it afforded as far as it went. It had been recommended to wait till fuller information was given, and he would await that information; but he should be sorry to rise without reprobating, even on the information before him, so far as it went, the whole principle of the war with Spain, and the manner in which it was commenced. Another passage of the speech, that called for some present notice, was that which alluded to the respectable state

state of the army. If the quality of the troops was the ground of this character of respectability, he had no doubt it was fully justified; but if by respectability it was meant to convey an idea of adequacy, he feared it was far from being sufficiently founded. Neither could he coincide in the language of the speech, where it mentioned the improved discipline of our numerous volunteers; the real state of the thing would have been more properly characterised as the deferred discipline of our less numerous volunteers (*a laugh*). He did not approve that the formidable state of our various descriptions of force was said to have actually deterred the enemy from making his menaced attempt. It would have been better to have said, that the appearance of these forces was sufficient to deter, than to use an expression which might much better have been omitted. The person at the head of the enemy was known to be a man capable of entertaining great designs, and if ever he had entertained the design of invading this country, there was no reason to suppose that he entertained it less now than at any former period. From this and from the conviction that our army was still far short of what it ought to be, he could not help wishing that some considerable measures were brought forward for its improvement. He hoped his hon. friend (Mr. Fox) would revise the measure he had brought before the house the last session; and if nobody else would bring forward any measure on the subject, he himself should certainly move for a committee of inquiry to consider of the best means of improving the military force of the country. Nothing had occurred since the time when this proposition was before brought forward, to render it less necessary now than it was then, or less deserving of the approbation of those who had then supported it. Instances of the violation of the law of nations should never be lost sight of; he should call the attention of the house, of the country, and of his majesty's government, to an instance of such violation, which he would not suppose they had ever lost sight of, but which he considered it right to keep ever alive in their remembrance. He meant the case of Capt. Wright, which he had adverted to at the close of the last session, and which he had hoped received all the attention it deserved. This gentleman was still kept a close prisoner in the Temple, outraged by threats and treatment very different from that which he ought to receive. He would not press now for any disclosure of the steps ministers may have taken on this subject, as it may be the subject of future

F 2

future discussion; nor would he suppose that every thing that could or ought to be done was not done. He mentioned it only to shew that the thing lived in the bosom of the country, and that the public sentiment would aid and support every endeavour that government would make for the deliverance of this gentleman, and the redress of the violence offered to the law of nations in his person. It was for this reason that he mentioned the matter now a second time, after a long lapse of suffering on the part of the unfortunate gentleman; he did not know exactly how long, because the days and hours of absence were seldom so particularly noted by those who were at home, as the days and hours of suffering were by meritorious officers in undeserved and unworthy imprisonment. He hoped this mention now would attract all due attention to the case, and that every effort would be made to obtain a remedy, even if we should be under the necessity, in the event of the failure of all other means, to recur to the extremity of making reprisals in this country, by confining the enemy's officers here, and subjecting them to similar hardships. The right hon. gentleman concluded with saying, that he felt it his duty to say, that he meant to carry into execution the design he had mentioned, and therefore gave notice, that on no distant day, Monday se'nnight, he would move for a committee to inquire into the present state of the defence of the country, with a view to its improvement.

The question was then put on the address, and agreed to *mem. con.*—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JANUARY 16.

The Lords met at two o'clock, and, after the usual routine business was gone through, proceeded to St. James's with their address to his majesty on his most gracious speech.

HOUSE OF COMMONS:

WEDNESDAY, JANUARY 16.

Lord Elrington, the Right Hon. G. Rose, the Hon. G. Villiers, and G. W. Thellusson, Esq. were introduced, and took the oaths and their seats.

INDIA.

Mr. Francis adverted to a motion which he had made in the course of the last session, for the production of certain papers

pers respecting India, and which was not complied with, as the papers were not then arrived to which his motion referred. Understanding now that those papers were received, the hon. member submitted a motion, that there should be laid before the house copies of all such treaties, engagements, and correspondence, as have taken place between the governments of Bengal, Fort St. George and Bombay, and any of the surviving Mahometan princes in the upper part of India, particularly with the Mogul.—Ordered accordingly.

Mr. Francis gave notice, that he would on Monday next move for the production of some further papers with respect to India. The papers for which he meant to move, the hon. member said, would refer to the hostilities with Holkar, the cause of which the house and the country was naturally anxious to ascertain.

Lord William Russell presented a petition from the proprietors of the Surrey iron railway, which was referred to a private committee.

The committees of religion, grievances, courts of justice, trade, and privileges, were appointed.

The usual standing orders of the house with respect to the presentation of petitions relative to contested elections, &c. were moved and agreed to.

The Hon. Mr. Dillon brought up the report of the committee appointed to prepare an address in answer to his majesty's speech.

The address was read and agreed to. It was ordered that this address should be presented to his majesty by the whole house, and that such members as were of the privy council should wait on his majesty to know when he would be graciously pleased to receive the same.

Ordered, on the motion of the Chancellor of the Exchequer, that his majesty's speech should be taken into further consideration next day.

The ninth report from the commissioners of naval inquiry was presented, and ordered to lie on the table.

HOUSE OF LORDS.

THURSDAY, JANUARY 17.

Lord Ellenborough introduced a bill to supply an omission in the act for the relief of insolvent debtors passed last session. After going through some private business the house adjourned till Monday.

HOUSE

HOUSE OF COMMONS.

THURSDAY, JANUARY 17.

The house assembled a little before two o'clock.

Lord Stopford immediately came to the bar, and acquainted the house that his majesty had been graciously pleased to appoint two o'clock that day for receiving the address of the house.

Lord Marsham gave notice that he would on Monday next propose a day for the further proceeding on the report of the committee on the Middlesex election of 1802. This was postponed last session until an early period in the present.

On the motion of Mr. Huskisson, the committee of supply was appointed to sit on Monday next.

The house was then adjourned till Monday next, and immediately went up to St. James's with their address, which was as follows.

" Most Gracious Sovereign,

" We your majesty's most dutiful and loyal subjects, the Commons of the united kingdom of Great Britain and Ireland, in parliament assembled, beg leave to return your majesty the thanks of this house for your most gracious speech from the throne.

" We have witnessed with pride and satisfaction the skill and intrepidity of your majesty's navy, the respectable and formidable state of your majesty's army and militia, the unabated zeal and improved discipline of a numerous volunteer force, and the general ardour manifested by all classes of your majesty's subjects. Although the preparations for the invasion of this kingdom have been continued with incessant activity, we are firmly persuaded that while this spirit animates the country, and its voluntary exertions for its own defence subsist in their full vigour, they will be found sufficient to deter the enemy from attempting to carry their repeated menaces into effect; and we shall never forget that as our security has arisen from the resolution with which we have met and provided against the danger, we can be preserved only by steady perseverance and unremitting activity.

" We

“ We beg leave to return your majesty our humble thanks, for having been graciously pleased to direct that a copy of the manifesto which you have caused to be prepared in consequence of the rupture with Spain should be laid before us, together with such papers as are necessary to explain the discussions which have taken place between your majesty and that court; and we assure your majesty that we will take them into our early and serious consideration.

“ While we regret the extension of hostilities, your majesty may rely on our constant support to such measures as may be necessary for maintaining the honour of your crown, and asserting the just rights of your people.

“ We feel in common with your majesty, that on the continent the general conduct of the French government has been marked by the utmost violence and outrage, and has shewn a wanton defiance of the rights of neutral territories; of the acknowledged privileges of accredited ministers, and of the established principles of the law of nations.

“ We humbly acknowledge your majesty's goodness in having been pleased to inform us, that notwithstanding these transactions (so repugnant to every sentiment of moderation and justice) your majesty has recently received a communication from the French government, containing professions of a pacific disposition; and while we feel deeply sensible of your majesty's paternal regard and unremitting solicitude for the welfare and happiness of your people, expressed in your majesty's earnest desire to embrace the first opportunity of restoring the blessings of peace, on such grounds as may be consistent with the permanent safety and interests of your majesty's dominions; we, at the same time, cordially agree with your majesty, that those objects are closely connected with the general security of Europe; and we acknowledge the propriety and wisdom of your majesty's determination to decline entering into more particular explanation, till you have had
time

time to communicate with those powers on the continent with whom your majesty is engaged in confidential intercourse and connection with a view to this important object.

“ We learn with peculiar satisfaction that your majesty has received the strongest proof of the wise and dignified sentiments by which the Emperor of Russia is animated, and of the warm interest he takes in the safety and independence of Europe.

“ Much as we lament the necessity of imposing additional burthens on your majesty's subjects, we are, at the same time, so sensible how much their future safety and happiness depend upon the vigour of our exertions, that your majesty may rely upon our granting such supplies as the exigency of the public service may require, preserving, at the same time, an anxious desire effectually to support public credit, and to restrain as much as possible the accumulation of the national debt.

“ It affords us great consolation and satisfaction to observe, that the proofs of the internal wealth and resources of the country appear to keep pace with the efforts and sacrifices which the nature of the contest requires; and your majesty may firmly rely on our zeal to maintain and improve these advantages, and to adopt such measures as, by enabling your majesty to prosecute the war with vigour, may afford the best prospect of bringing it to a safe and honourable termination.”

HOUSE OF LORDS.

MONDAY, JANUARY 21.

Lord Caledon took the oaths and his seat.

Mr. Williams, secretary to the board for naval inquiry, presented the ninth report of that board, which was ordered to be printed.

A gentleman from the board of accounts in Ireland, presented the 26th, 27th and 28th accounts of the commissioners of that board, which were ordered to lie on the table.

Lord Ellenborough's bill for amending and explaining the insolvent debtors' act of last session, was read a second time, and ordered to be committed next day.

The

The *Earl of Suffolk* stated that it had been his intention last session of parliament to trouble the house with a motion relative to the state of Ireland. That intention he had communicated to some of his friends, but it had been deemed better to postpone it to the present session. Fortunately for this country; fortunately, he hoped, for Ireland, there was now at the head of affairs a minister, who, in some measure, stood pledged to the people of Ireland to give them his support whenever their case should be brought before parliament. He believed it would be determined in a very short time, whether the Roman catholics of that country were themselves to petition parliament for relief. Till that point was settled he should not think it necessary to trouble the house; but if no such petition was to be presented, he now gave notice that he should take an opportunity of submitting to the house a motion relative to the state of Ireland, in which he should expect the support of the minister, who, he considered, had already pledged himself to that effect.

Earl Darnley was desirous to be acquainted with the effect of a measure brought forward last session, commonly known by the name of the additional force bill. He had reason to apprehend that this measure was far from having attained its object, or rather that it had proved wholly inadequate to it. Should there be no objection to such a motion, he would now give notice, that it was his intention in a few days, to move that there be laid before the house, an account of the number of men raised through the operation of the said act. That motion he should follow up with another, respecting the operation of the same measure with regard to Ireland. The noble lord was desirous to make the motions separately; because, with regard to Ireland at least, it would appear, that the provisions of that bill were not only inadequate for the defence of that country, but proved moreover an onerous and oppressive tax on that part of the united kingdom, and far beyond that proportion which by the articles of the union it was bound to bear.

Lord Hawkesbury did not conceive there would be any objection to the motion; the noble lord might make it then, if he thought proper; nor was it necessary, in his opinion, to make separate motions on the same subject respecting the two countries.

Earl Darnley acquiesced in part of the noble secretary's suggestion, but persisted in dividing the two motions. His lordship then moved, that an humble address be presented to his

majesty, praying that his majesty would be graciously pleased to give directions, that there be laid before that house an account of the number of men raised in pursuance of the additional force bill. This motion was agreed to, as also a similar one which regarded Ireland only.

JUDGE FOX.

The *Marquis of Abercorn* called the attention of their lordships to a subject (the conduct of the hon. Judge Fox), upon which he had last session intended to have submitted a motion to their lordships. In the first instance, however, he should beg leave to present certain petitions from the persons who conceived themselves to be aggrieved by that conduct. The noble marquis then presented petitions from Mr. J. Hart, Mr. Wm. Armstrong, and other jurors of the county of Fermanagh, and Alexander Irwin, Esq. high sheriff of the same county.—The petitions were read and ordered to lie on the table. The noble marquis next adverted to the heads, or particulars of the charges which he intended to bring forward against Judge Fox. The substance of them was nearly the same as those which he had submitted to their lordships last session. They were then seven in number: he had now omitted two of them, as containing matter of too trivial a nature, or as founded in misconception. The third article he had drawn up anew, or rather methodized it out of what it contained last year. These papers comprised the grounds of the charges that he deemed it necessary to advance against the conduct of the hon. judge, and he should, on Thursday next, move, that they be submitted to the consideration of a committee of the whole house, and that their lordships be summoned to attend on that day.

The *Lord Chancellor* could not but remind their lordships, how nice and important a question was that to which the motion of the noble marquis intended to direct their deliberation. Their decision on such points must be of the most serious nature. They would recollect that the judges, according to an act of the first of his majesty, were not to be removed, or called upon to answer for their conduct, but in consequence of addresses to his majesty from parliament to that effect. It would be for their lordships to consider how the papers laid before the house afforded matter for their lordships consideration in their judicial capacity, and how far, and in what manner it might be proper for their lordships to proceed upon them. Fortunately, few cases had occurred where judges
were

were thus called upon to answer for their conduct; and their lordships would therefore be the more cautious as to the mode of their proceeding. Perhaps it might be right to appoint a committee to inquire how far the papers on the table contained matter of importance enough to proceed upon in a committee of the whole house, whose opinion and decision on such a case must be followed by such serious consequences. The noble marquis himself who brought forward the question seemed to be fully aware of the delicacy of its nature; and in his opinion the noble marquis had very properly changed the head or title which he gave last session to the paper that day laid before their lordships. It was then intitled, *Heads of Complaints, &c.* against Judge Fox; now it simply purported to be, particulars of the conduct of Judge Fox; and it was in other instances new modelled from the shape in which it had made its first appearance. It was needless, at present to suggest any thing more on the delicacy of such a question, or on the solemnity of the decision which their lordships might be called upon to pronounce.

The question was then put on the motions of the noble marquis, which were agreed to; and the house adjourned.

HOUSE OF COMMONS.

MONDAY, JANUARY 21.

The Speaker acquainted the house, that on Thursday last that house had waited on his majesty with their address, to which his majesty had been pleased to return the following most gracious answer.

"Gentlemen,

"I return you my warmest thanks for this loyal and dutiful address.

"It affords me the greatest satisfaction to receive the declaration of your full concurrence in the sentiments which have dictated my answer to the communication from the French government.

"The conviction you express that the safety and permanent interests of this country are closely connected with the security of Europe, and the cordial assurances of your zealous support in enabling me to prosecute the war with vigour till it can be brought to a safe and honourable termination, are

calculated to produce the happiest effects in the present situation of affairs."

A new writ was ordered for Droitwich, in the county of Worcester.

A petition was presented by Sir John Anderson, from certain coal factors, whose names were thereunto subscribed, praying to be relieved from the penalties imposed by the act for establishing and regulating a coal market in the city of London. By this act it was ordained, that the names of the factors should be attached at whole length to their various accounts. Several of the petitioners had inadvertently abbreviated their signatures, and the object of this petition was to indemnify them against these and other literal and unintentional errors. Referred to a committee.

Lord Marsham moved, that the report of the committee on the conduct of the sheriffs at the election for the county of Middlesex in 1802, be taken into consideration on Tuesday se'nnight.

The Speaker, with a view to the motion of the noble lord, suggested that the resolution which that house had unanimously adopted last session, to investigate the business early in this session, be read, which was accordingly done, and the motion of Lord Marsham agreed to.

INDIA.

Mr. Francis—The motion which I mean to submit to the house will not make it necessary for me to trouble you with many reasons in support of it, or for more than a few minutes; and, indeed, it appeared to me so much a matter of course, that I should not have thought it required a previous notice, but for a suggestion, which I am always desirous to comply with. In the course of the last session, the house thought fit to order a great variety of papers to be laid before them, to explain the causes of the war which began in 1803, against two of the principal Mahratta chiefs, Scindia and Boosla. By the papers before the house it appears, that those chiefs were subdued and reduced to submission, and that treaties of peace had been signed with them about the close of the same year; and it was natural to conclude that there was an end of the war in India. Nothing could be more improbable than that any of the remaining Mahratta powers should take up the contest, where the others had left it; and especially against an enemy flushed with success, and which the greatest powers of the Mahratta empire had not been able

able to resist. Nevertheless it is known that another war with another chief, called Holkar, immediately, or soon after, succeeded to the pacification with Scindia and Boosla. I consider it as the final act of the same transaction, and that the information before the house would not be complete without the papers relative to these last hostilities, which I propose to move for. I hold it to be of importance to the good government and safety of our possessions in India, that a regular communication of all material transactions should, at proper intervals, be made to parliament, and that the record of them should be preserved in this house. I have no doubt that Holkar has been subdued; his force, compared with ours, is so inconsiderable, that one can only wonder at his venturing, at such a time especially, to provoke a quarrel with a power so much superior to him. Nevertheless he has certainly been able to make some resistance, and we know that many lives have been lost already in the course of this petty war. In one of the provinces ceded to us, called Bundelcund, a party of his cavalry surrounded a detachment of ours, consisting of two complete companies of sepoy, some cannon, and fifty European artillery-men, every man of whom were cut to pieces. The loss of the sepoy is to be lamented—that of the artillery-men is invaluable. The main body, from which this little force was detached, immediately retired, and the officer who commanded it was put under arrest. I need not say more to prove that these transactions deserve the attention of the house. I am not aware of any reasonable objection to the motion, but if any should be made, I hope the house will permit me to reply to it. I move you, sir, “that there be laid before this house copies or extracts of all letters or correspondence received from India, before or since the close of the last session of parliament, relative to hostilities between the British government and the Mahratta chief, named Jesswant Rao Holkar, as far as may be consistent with the public service, and with the good faith due to persons from whom secret intelligence may have been received.”—Before I sit down, I wish to mention a subject connected with the Mahratta war, on which the house has received no information. I expected to find it explained in the printed papers, but in them there is no mention of it. In the county of Guzzerat, to the north-west of Bombay, there is a prince called the Gwicowar: a part of his territory has been ceded to the company, partly to make good the pay of our subsidiary force stationed at Poona, and
for

for other objects of indemnification. Out of that fund we ought to have received a considerable revenue; but to that prince the government of Bombay have lent a sum not much less than 360,000*l*. The documents relative to this extraordinary transaction, I think, ought to have been laid before the house under the orders already given, which would save time and trouble; if not, it must be the subject of a particular motion.

Lord Castlereagh had no objection to the production of the papers referred to, but was sorry the hon. gentleman had introduced other circumstances that were not necessarily connected with the motion. The observations he had thrown out respecting the defeat of that unfortunate detachment, went, the house would feel, to involve the character of an officer, whose conduct was now the subject of military inquiry. But, considering this event in a more general view, he did not see that it afforded so much room for complaint as the hon. gentleman would have us believe. Great successes had been obtained in other quarters, which much more than counterbalanced that unfortunate circumstance. The hon. gentleman had also gone out of his way in the observations he had made respecting the territories that had been ceded as indemnities, and the sums granted to a prince of the Guzerat. These, the noble lord thought, would come more properly under discussion, when the India budget should be submitted to the house. He had no objection, however, that the house should be in possession of all the information the hon. gentleman would wish. Indeed the qualification the hon. gentleman himself had annexed to the motion, removed every objection that could be made to it, as he wished only to have such papers as may not interfere with the arrangements of government, or put them in an awkward predicament in regard to the quarter from which they may have received secret information.

Mr. Francis—I beg leave to assure the house, that I had no thoughts of reflecting on the officer to whose misfortune I had alluded. I do not even know his name, nor is it possible that any thing said of him at this time, and at this distance, can affect his situation or character in India. My sole object in mentioning the fact was, to justify the motion, and to exculpate myself from having intruded on the house, without a strong case, or without sufficient reason.

On the motion of *Mr. Huskisson* the house went into a committee of supply, to which also was referred his majesty's gracious speech.

Mr. Alexander. brought up the report, which was ordered to be received the next day.

Mr. Huskisson gave notice, that in the committee of supply, on Wednesday next, he would move for an additional number of seamen.—Adjourned.

HOUSE OF LORDS.

TUESDAY, JANUARY 22.

The commissioners of customs presented accounts similar to those which were produced in the Commons, all of which were ordered to lie on the table.

INSOLVENT DEBTORS.

The order of the day, for the house going into a committee on Lord Ellenborough's bill for rectifying an omission in the insolvent debtors' bill passed in the last session of parliament, being read,

Lord Ellenborough stated, that in consequence of a gross misrepresentation of the nature and object of the present bill, which had been allowed to go abroad, he found it necessary both for the public information, and that those unfortunate persons who might suppose that they were meant to be relieved by the bill, might not be deceived, or entertain false hopes, to explain the whole extent of the object which he had in view, in submitting this bill to their lordships' consideration. The bill then on their lordships' table was not meant to extend in the most distant degree the benefits of the act of last session of parliament, to any persons not expressly and in the true spirit and meaning of the act comprehended in the bill passed last session. In fact, the insertion of a single word, or rather of a single letter, (*prisons* for *prison*) into that act, would have rendered the present bill unnecessary. From the whole tenor of the act it was evident that its benefits were meant to be extended to all persons not otherwise disqualified, who had been *in prison* previous to the 1st of January 1804, and still continued there. Yet, by the wording of the oath, required to be made by the jailors of the different prisons, along with the list of prisoners in their custody, it is narrowed in such a manner as to seem to apply merely to persons who, during the period specified in the act, have been in that individual prison, of which the person making the return is jailor. To rectify this narrowed interpretation of the act,

act, and to give it the full scope which its other clauses imported it was meant to convey, was the sole object of the present bill. In the court in which his lordship presided, numberless applications had been made by persons who had been in prison during the full period required by the act, praying for a *mandamus* on the keepers of the different prisons to rectify their lists, according to the different circumstances of the cases which presented themselves. But, after the most deliberate consideration, and after a consultation of all the judges on the subject, it had been deemed beyond the powers of a court of justice to afford that relief which, they were nevertheless convinced, it was in the contemplation of the legislature to have bestowed. Persons who had been in prison, probably in the Fleet, previous to the 1st of January 1804, and had afterwards been removed by *habeas corpus* to the King's Bench, or *vice versa*, it was obvious from the whole tenor of the act of parliament were not meant, merely on account of such removal, to be excluded from the benefit of the act: yet, on the other hand, it was impossible for the keeper of any particular prison to swear, as was required by the act, that a person so removed had been in his custody during the whole of the period specified; nor could any court of justice so far annul an act of parliament as to dispense with so special an enactment. In this situation he had thought it his duty to endeavour to procure the earliest possible relief to unfortunate persons in the predicament he had mentioned. He was in his place on the day of the meeting of parliament, had it been competent then to have brought forward the measure. He had been applied to by gentlemen desirous of extending the benefits of the act to persons not at present comprehended under it: but, however much he might have been disposed to concur in any measure of the kind, he could not conceive it proper to clog, with such a burden, the present bill, which was meant only to supply an omission, and to place persons in the way of profiting by the act, who already clearly fell under its spirit and meaning, but were prevented by the wording of a particular clause, from availing themselves of its privileges. He therefore hoped no delay would be suffered to take place in giving effect to the present bill, by engrafting on it measures with which it was totally unconnected.

The bill then went through a committee without any amendment, and was reported.—Adjourned.

HOUSE

HOUSE OF COMMONS.

TUESDAY, JANUARY 22.

Mr. Rowe, from the commissioners of customs, appeared at the bar and presented, pursuant to act of parliament, certain accounts with respect to prohibited East India goods imported, exported, and warehoused; and also to naval stores imported from Russia; together with a list of the officers in the customs.—Ordered to lie on the table.

A new writ was ordered for the election of a representative for the borough of Agmondesham, in the room of Charles Drake Garrard, Esq. who has accepted the office of steward of the Chiltern Hundreds.

DEFENCE OF THE COUNTRY.

Mr. Windham postponed the motion of which he had given notice for Monday next, respecting the state of our defence, to the Monday following. The right hon. gentleman stated that he was induced to make this postponement from two considerations: first, as a matter of convenience to others, in order to make way for the discussion of the conduct of government relative to Spain and the commencement of the Spanish war, which was expected to come on on Monday next: and secondly, that he might have an opportunity in the interim of seeking for such information, and moving for the production of such papers as appeared to him necessary to communicate the fullest particulars to the house as to every branch of our public force, and to enable it to come to a fair and satisfactory decision upon the important subject to which he meant to call its attention. A list of the several motions which he proposed to bring forward, he announced his intention of stating to the house the next day. They would apply to the different descriptions of our public force, and their object would be to ascertain what increase had taken place in each, and particularly in the regular army, since a certain period. Objections there might be to some particular heads, but he apprehended they were such as could not apply to all the motions which he should think it necessary to propose.

The Chancellor of the Exchequer asked, whether it was the intention of the right hon. gentleman, to propose the appointment of a committee upon this subject, such as he had described in his original notice?

Mr. Windham answered in the affirmative.

VOL. I. 1805.

G

O

On the motion of the Chancellor of the Exchequer, the time for receiving private petitions was limited to the 1st of March.

Ordered, on the motion of Lord Henry Petty, that an account be laid before the house, of the exports that have taken place from this country to the ports of Spain, in the years 1803 and 1804, as far as the same can be made out.

Mr. Johnstone moved for an account of the net produce of the permanent and war taxes for the year 1804, distinguishing each quarter, and the produce of the permanent from the war taxes. Also, for an account of the outstanding exchequer bills on the 5th instant, stating the several acts by which such bills were created, and the funds upon which they are respectively charged.—Ordered accordingly.

The Speaker took occasion to mention, that in order to dispatch the private business, he should attend the house each day in future at three o'clock, and should take the chair as soon after three as the attendance of gentlemen should enable him.

Mr. Alexander brought up the report of the expiring laws-committee; which was ordered to be laid on the table, and to be printed.

Mr. Wallace brought up the report of the committee of supply, which was agreed to, and the committee ordered to sit again the next day.

On the motion of Mr. Huskisson, the following estimates were ordered to be laid before the house; and that an address should be presented to his majesty, &c. pursuant to the said order:

An estimate of the ordinary expences of the navy, for the year 1805, including an estimate of the half-pay of officers of the navy and marines, who had been employed during the last war.

An estimate of the probable expence of building and rebuilding of ships in his majesty's dock-yards, above the wear and tear, &c.

An estimate of guards and garrisons, &c. in Great Britain, &c.

An estimate of the office of ordnance for the land service; Also an account of expences incurred for the year 1804, which have not been provided for by parliament;

An account of the navy debt on the 31st December, 1805;

An estimate of the expence of the transport service for the year 1805, and also of the money that may be wanted for hiring transports for the same period;

An estimate of the probable expence of prisoners of war in health, and also for that of sick prisoners, during the year 1805.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, JANUARY 23.

Lord Oxmanstown took the oaths and his seat.

Lord Ellenborough's bill for supplying an omission in the insolvent debtors act of last session, was read a third time and passed.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, JANUARY 23.

A new writ was ordered for the election of a representative for the borough of Thirsk, in Yorkshire, in room of Sir Gregory Page Turner, deceased.

The Secretary at War presented the estimates respecting the army; and Sir Evan Nepean those respecting the navy; which were ordered the preceding day.—Ordered to be referred to a committee of supply.

On the motion of Sir Evan Nepean, the house resolved into a committee of supply, and the following motions were put and agreed to.

That 120,000 men, including 30,000 marines, be granted for the service of the navy, for the year 1805.

That a sum not exceeding 2,886,000*l.* be granted for the pay of the said men, allowing at the rate of 1*l.* 17*s.* per month.

That 2,964,000*l.* be granted for victualling, &c. allowing 1*l.* 18*s.* per month for each man.

That 4,680,000*l.* be granted for the expence of wear and tear, &c. of shipping.

Mr. Johnstone asked what number of men was at present employed in the navy? This was an inquiry which the hon. member said he did not suppose there could be any objection to satisfy, as there was an official account of the same nature laid before the house about eight months ago.

Sir Evan Nepean was not enabled, from any authentic documents, to state precisely the number of men at present employed in our navy; but, according to the best calculation he could make, he believed there were about from 107,000 to 108,000.

The hon. baronet then moved that the sum of 390,000*l.* should be granted for ordnance for the navy.—Agreed to.

The house resumed, the report was ordered to be brought up the next day, and the committee was ordered to sit again on Friday.

STATE OF THE ARMY.

Mr. Windham rose to make his promised motions, respecting the state of the public force. The right hon. gentleman repeated the observations he had submitted before, that he thought the motions he meant originally to propose would be generally unobjectionable. However, as he understood there were objections to laying before the house an account of the total of our public force; or of each of its particular branches, he would not go to the extent of applying for either. Although the grounds of the objections stated had no force in his mind, yet he had contrived so to frame his motions as to obviate all objection. The right hon. gentleman concluded with reading the several propositions he had to submit, which were afterwards put from the chair, and agreed to. They are as follows:

A return of the number of effective men raised under the act of last session, entitled the additional force bill, &c. in England and Wales; distinguishing the number raised per week, the districts where raised, the number raised by parish officers, from those raised by regular recruiting officers; also such men from among such levies as had enlisted for general service; up to the latest period at which the said account could be made out.

A similar return for Ireland and Scotland.

A return, &c. of the effective men who had enlisted for general service from the army of reserve; distinguishing such as had enlisted previous to the 1st of June last, from those who had enlisted since.

A return, &c. of the amount of the foreign levies raised for the service of this country.

A return, &c. of the men provided for the two new battalions which were raising in Scotland, and for the four new battalions which were raising in Ireland for general service; distinguishing such men as had been finally approved from those which had been intermediately and conditionally approved; also the date and terms of the letters of service granted to the officers who are raising those battalions, &c.

A return, &c. of the men who had enlisted and been finally approved for general service from those levies which officers were

were for rank raising for limited service; also of the men who had enlisted from the militia, &c. exclusive of the new battalions in Ireland and Scotland, &c.

A return, &c. of the total number of recruits for general service who had been finally approved from the commencement of the war to the 1st of January 1804, and from that to the 5th instant, or up to the latest period at which the same could be made out, exclusive of the six new battalions in Ireland and Scotland, and distinguishing those levies which had received bounties for boys, those which had been recruited by officers of the regular army; also distinguishing those men who had been raised and finally approved previous to the 1st of June last from those which had been raised; &c. from the latter period to the 5th instant; or up to the latest period at which the same could be made out.

An account of such desertions, discharges, deaths, or other casualties as have taken place in our regular army from the commencement of the war to the 1st of January 1804, and from thence to the 1st instant, or up to the latest period at which the same could be made out.

A return, &c. of the number of commissioned and non-commissioned officers who have been detached from the regiments of the line for the purpose of receiving, &c. such men as were raised under the additional force bill of last session.

The *Chancellor of the Exchequer* had not, for his own part, any very material objection to lay before the house an account of the total amount of our public force, and to the propositions which had been submitted by the right hon. gentleman he had no objection whatever; on the contrary, it was his wish that the house should be in full possession of all the particulars to which those propositions referred, before it proceeded to the discussion of that subject which the right hon. gentleman had announced his intention of bringing forward.

SPANISH PAPERS.

Mr. Fox expressed a wish to know when the papers relative to the negotiation of government with Spain, previous to the war, would be laid before the house; and also what day it was the intention of the right hon. gentleman (the *Chancellor of the Exchequer*) to appoint for the discussion of the subject to which those papers referred.

The *Chancellor of the Exchequer* stated, that the papers to which the hon. gentleman alluded, required more time to print for the use of the house than he was at first aware of, but

but that they would be laid on the table the next day. As those papers were very voluminous, and as it was desirable that the house should have full time to consider their contents, the right hon. gentleman thought it advisable not to bring forward the discussion of the subject as early as he originally intended, but would appoint Thursday se'night for that purpose.—Adjourned.

HOUSE OF LORDS.

THURSDAY, JANUARY 24.

Lord Mulgrave presented the different papers explanatory of the causes which produced the recent rupture with Spain. His lordship observed, that as much time would be necessary to give them a faithful perusal, and a mature examination, he thought it would be found more convenient to defer the consideration of them from Monday till Thursday next. His lordship then moved that the house be summoned for that day, which motion was agreed to.

JUDGE FOX.

The *Marquis of Abertorn*, after a few observations, in which he expressed his deference to the opinions of the noble and learned lords on such a subject, moved for the appointment of a committee to consider of the matters which have been alleged against Mr. Justice Fox, and of the evidence which may be brought in support of the same.

The *Lord Chancellor* fully approved of the shape in which the motion was brought forward, and made a few observations on the importance and delicacy of the case that was to come under their consideration.

Lord Hawkesbury also thought the subject of importance and extreme delicacy. Their lordships would see how closely it was connected with two important acts, the 13th of William III. and the first of the king, and they would duly consider the object and intention of these acts. This consideration would lead them to reflect how far the discussion of such a point might affect one of the most solid and sacred bulwarks of the constitution; for, with a view to the security of the subject and the uncontrolled administration of justice, next to the independence of parliament, and the trial by jury, he would not hesitate to rank the independence of the judges. But while that independence, which could not be called in question, even by the prerogative of the crown, without the concurrence

concurrence of parliament, should be touched with every possible tenderness and respect; their lordships would not lose sight of the justice that was due to the public, and with all their deference for the sacred character of the judge, they would nevertheless look for that rectitude and sanctity of conduct, which alone could constitute that sacredness, and challenge that respect and veneration in which such a character should be held.

The *Marquis of Abercorn* perfectly acquiesced in every thing that was advanced by his noble friend, and by the noble and learned lord; and he would endeavour to shape his conduct accordingly.

The question was then put and agreed to.

The noble marquis then moved, that all the lords who have been present this session, be members of the committee; and that it do sit on the 7th of February next.

These motions were severally put and agreed to; after which the house adjourned.

HOUSE OF COMMONS.

THURSDAY, JANUARY 24.

Lord Ellenborough's bill, supplying certain omissions in the act of last session for the relief of insolvent debtors, was brought from the Lords.—Read a first time, and ordered to be read a second time the next day, and to be printed.

Sir John Anderson brought up the report of the committee to which the coalfactors' petition was referred, and obtained leave to bring in a bill to indemnify all persons who had unintentionally incurred the penalties therein complained of.

Lord George Cavendish presented a petition from the bailiffs and other magistrates of the borough of Knaresborough, in Yorkshire, stating, that a new writ had been issued for the election of a member for that borough, on the 9th of July 1804: that — Fox, Esq. the sheriff, had directed his precept to John Carr and James Collins, the returning officers, appointing the 30th of July for the election; but that on that day a mob assembled, insulted and knocked down several magistrates, and committed such acts of outrageous violence as to prevent the election from taking place.

On the motion of Lord George Cavendish, the above petition was ordered to be taken into consideration on Tuesday, the 26th day of February next.

Mr.

Mr. Huskisson gave notice that in the committee of supply, the next day, he should move the army estimates.

The Chancellor of the Exchequer laid before the house the papers relative to the late discussions with Spain,* and moved that they be taken into consideration on that day se'nnight, which was agreed to.

The Chancellor of the Exchequer informed the members, that the papers were printed, and ready for delivery.—Adjourned.

HOUSE OF LORDS.

FRIDAY, JANUARY 25.

Mr. Nolan was heard for the appellants in the Scotch appeal, Smith and others against Yelton and others. The further hearing was postponed till Monday.—Adjourned till Monday.

HOUSE OF COMMONS.

FRIDAY, JANUARY 25.

Mr. Robert Milsford, from the commissioners of customs of Scotland, presented an estimate of the duties of customs outstanding on bond or otherwise for the year 1804; as also from the board of excise for Scotland, an estimate of the duties of the excise of the same description; which, with several other accounts from Scotland, were ordered to lie on the table, and to be printed.

Certain accounts from the commissioners of the northern light-houses were presented, and ordered to lie on the table.

Mr. Milsford, from the treasury, presented a list of the public accountants against whom processes had been stayed, pursuant to two acts of his present majesty, which was ordered to lie on the table.

Sir John Anderson presented a petition from Sir William Rawlins, Knt. and Robert Albion Cox, Esq. who presided as sheriffs of Middlesex, at the general election for the county in 1802, praying to be heard by themselves or their counsel, in exculpation of their conduct at the said election. The petition stated, that whilst serving the office of sheriffs, they had presided at the contested election for a bridge-master of London, for the election of representatives in parliament for the city of London, and for the county of Middlesex; that they had received the thanks of a common hall, for their firm, manly,

* See the first series of SPANISH PAPERS, subjoined.

manly, and conscientious performance of the constitutional duty in a year of unprecedented difficulty; that they were themselves ignorant of the law, and had acted under the direction of the under-sheriffs, all of whom were uniformly attorneys; that they had acted during the whole of the election without partiality, and therefore prayed the indulgence of the house to be heard by counsel in their justification.—Ordered.

Lord William Russell presented a petition from certain persons whose names were thereunto subscribed, claiming a right to have voted at last election for the county of Middlesex. The petition recounted the particulars of the proceedings at that election, and after detailing the circumstances which rendered their votes unavailable in the final decision of the poll, though they had been ready to verify their right to vote upon oath, prayed such relief in the premises as to the wisdom of parliament should seem meet, and that an early day should be appointed to take their case into consideration.

The petition was then ordered to be taken into consideration on Tuesday, the 19th day of February next.

Sir Evan Nepean gave notice, that he should on Monday next, move for leave to bring in a bill to continue for a time to be limited, the bills for the suspension of the habeas corpus act, and for establishing martial law in Ireland.

The insolvent debtors act amendment bill was read a second time, and ordered to be committed on Monday.

A new writ was ordered, on the motion of Mr. Sturges Bourne, for the election of a knight of the shire for the county of Hertford, in the room of the Hon. P. Lamb, deceased.

STATE OF THE ARMY.

Mr. Windham rose for the purpose of making a motion, to which, he was confident, there could be no objection. It referred to a point upon which, when he brought forward his motions a few days since, it was his wish to have obtained full and distinct information. He was still of opinion, that it would be necessary to procure information separately on this head, in order to enable the house, when the situation of the military circumstances of the country should come to be discussed, to form a clear and impartial opinion upon it. He had been led to give up this motion by a spirit of accommodation to his right hon. friend on the other side of the house, and to generalise the motions he on that occasion submitted; but as it often happened, that whilst acting under such an

impulse, a man might concede more than upon reflection he would deem consistent with prudence or discretion, he proposed in the present instance, to correct his former omission by a specific motion. His object in making it was, to ascertain the number of men that had been raised in Colonel French's levy. He was aware, that as his former motions took in the new levies in England, Ireland, and Scotland, it might be said that his present motion was included in one of them. But as the only inconvenience that could be apprehended from it would be, that Colonel French's levy would be returned in the double, that inconvenience would be obviated by his moving for a separate return of that levy. He therefore moved, that there be laid before the house a separate account of the number of effective men raised for Col. French's levy in the united kingdom for general service, distinguishing the number of recruits finally approved up to the last return, also the number that had received bounties as boys, and the number of officers appointed in that levy.—Ordered.

The *Chancellor of the Exchequer* observed, that it would be highly expedient, before the question should come to be discussed, to have a complete view of the aggregate military force of the country in one connected account. He wished gentlemen to be put in possession of the most satisfactory and comprehensive information on the subject, and with a view to that object, moved, that there be laid before the house an account of the total amount of his majesty's regular, militia, and provincial forces, on the 1st of January 1804, and the 1st of January 1805, respectively, distinguishing the limited from the unlimited force, and cavalry from infantry; and also those serving in Great Britain, Ireland, and the islands of Guernsey and Jersey, and those serving in guards and garrisons abroad.—Ordered.

SPANISH PAPERS.

Mr. Grey then rose, for the purpose of giving notice of some motions, which it was his intention to submit to the house on Monday. After all the attention which it had been in his power to bestow on the papers relative to the new war in which we were now unfortunately engaged, in the short period since they had been distributed, it appeared to him, that there were many important omissions, which it was material to have supplied before the main question should be discussed, and to enable the house to form a just and impartial opinion on the merits of the case. It could not be denied, that on so solemn and momentous a question, every information ought to

to be given to parliament, as far as might be consistent with the interests of the public service. It was with a view, therefore, to supply the omissions which appeared to him in the papers laid before the house, that he proposed to bring forward the motions of which he then gave notice. The precise objects to which they would relate were, some further information respecting the correspondence between Lords Hawkesbury and Harrowby, and Mr. Frere, and the discussions, if any, that might have taken place between the Spanish minister here and his majesty's government. There were other points, also, on which information was necessary, but as he did not conceive any objection that could be made to granting it, he was not equally inclined to think it necessary to give any previous notice of his motions respecting such topics. It would be felt generally how very desirable it was to have all the information that could possibly be procured on the subject as early as may be, before it should come under discussion. As, however, there might be some objection to the immediate production of the information he wished to obtain, which he could not then foresee, it might be more regular to read the motions he proposed to make in that instance, previous to his moving the question on any of them, that he might discover how the right hon. gentleman opposite would feel with respect to them, and if there should be any difficulty in acceding to them he had no objection to let them stand over, noticed with his other motions for Monday. The hon. gentleman then read the string of motions he had prepared, the object of which was, to obtain copies or extracts of all dispatches or letters from Sir Edward Pellew and Admiral Cochrane, relative to the state of the ports of Ferrol and Corunna, and the armaments said to have been carried on in them; also relative to the sale of prizes in the ports of Spain in Europe and America; and to the quantity of naval and military stores supplied to our squadrons from the ports of Spain since the commencement of the present war.

The *Chancellor of the Exchequer* expressed a wish, that the hon. member would postpone his motions till Monday, on the ground that it might be necessary to consider how far it would be proper to comply with them, consistently with the public service.

The motions were then noticed for Monday.

The *Chancellor of the Exchequer* next intimated an opinion, that it would be desirable to have the object of the hon. gentleman's other motions more specially stated, in order to af-

ford an opportunity of considering them, previous to their being submitted to the house.

Mr. Grey, in explanation of his object, stated that his wish was to have the omissions appearing in the papers before the house, supplied as fully as possible. In the first packet of instructions transmitted by Lord Hawkesbury to Mr. Frere, forming the first document in the published papers, there was a reference to previous communications, which, as they did not appear, it was his wish to obtain. Another object was to obtain copies of the discussions that must necessarily have taken place during the chasms of many months that appeared in the papers, for the purpose of completing the links of discussion, from the first question of difference to the final rupture; and lastly, he wished to have the house put in possession of the discussions that might have taken place between the Spanish minister and our government here, or the communications that might have been made to our minister by the Spanish government, after his demand for his passports.

WAYS AND MEANS.

The Chancellor of the Exchequer then moved the order of the day, for the house to resolve itself into a committee of ways and means. The house having gone into the committee, Mr. Alexander in the chair, the annual duties on malt and the land tax, as well as certain annual duties on sugar and of excise on tobacco and snuff, were voted; when the house being resumed, the report was ordered to be received the next day.—Adjourned.

HOUSE OF COMMONS.

SATURDAY, JANUARY 26.

The report of the committee of ways and means, containing the resolutions on the grant of the annual duties on malt, beer, cyder, &c. was brought up by Mr. Alexander. The resolutions were agreed to, and bills ordered to be brought in accordingly.—Adjourned.

HOUSE OF LORDS.

MONDAY, JANUARY 28.

The Marquis of Abercorn moved, that the day for the meeting of the committee to consider of the matters alleged against Mr. Justice Fox, be postponed from the 7th to the 18th February.—Ordered.

He also moved, that a message be sent to the Commons, requesting that four Irish gentlemen, members of that house, be appointed to attend the said committee, to give evidence on that occasion. The names of the members were, Sir Thomas Fetherstone, the hon. Galbraith Lowry Cole, Sir James Stewart, and Mervyn Archdall, Esq.—A message was accordingly ordered to be sent to the Commons, to the effect craved; and the messenger on his return reported that the Commons would send an answer by their own members.

Earl Camden having laid on the table the papers relative to Mr. Pitt's defence bill, moved for by Lord Darnley, which his majesty had been pleased to order to be laid before the house, and which were ordered to be printed,

Earl Darnley said, that as those papers confirmed the ideas which he had been led to form on the measure to which they referred, it was his intention to make them the subject of discussion before that house on the first convenient day, and he thought that he might now fix that day for Monday next.

Earl Camden, as there was some other important business before the house which it was possible might not be disposed of before that time, wished the noble earl would not fix his motion for Monday, till it might be seen whether that day should not be otherwise engaged.

Earl Darnley had no objection that the day to be fixed for the consideration of his motion should stand over, on the ground suggested by the noble earl.

A message was brought from the Commons, stating that they had agreed to the bill for supplying the omission in the insolvent act of last session without any amendment.

Adjourned.

HOUSE OF COMMONS.

MONDAY, JANUARY 28:

Mr. Irving, pursuant to a former order of the house, presented an estimate of the exports from this country to the ports of Spain, in the years 1803 and 1804, as far as the same could be made up.

A person from the Exchequer presented an account of the unfunded debt outstanding on exchequer bills on the 5th of January 1805.

Sir

Sir Evan Nepean postponed his motion, of which he gave notice on a former day, respecting the suspension of the *habeas corpus*, and the continuance of military law in Ireland, till a future day.

The *Secretary at War* presented the army estimates for 1805. Two papers, the right hon. gentleman said, were yet wanting to complete those estimates, those relating to the barracks and volunteers, but they would be ready to be presented to the house, previously to the day he should fix for taking those estimates into consideration. He had applied to a right hon. gentleman, who was not then in his place, to know if he could make it convenient to postpone his motion he had fixed for Monday next, as that day had occurred to him to be very proper for taking into consideration the army estimates. As the right hon. gentleman had consented to this arrangement, and as an early day was to be preferred, he would therefore move, that the house should on Monday next take those estimates into consideration.

Mr. Calcraft was of opinion that the day mentioned by the right hon. gentleman would leave the house too little time to acquire all the information that was necessary on so important a subject, and therefore wished him to fix some more distant day.

The *Secretary at War* had no objection that the house should have every information laid before them on the subject; but thought the business was of that importance as not to admit of any unnecessary delay.

Mr. Calcraft thought the right hon. gentleman had himself to blame for not bringing those estimates sooner forward. Members could peruse those papers number by number only, and it was equally unpleasant for members to go down there and make extracts from such papers. He still, therefore, thought it his duty to persevere in insisting for more time.

After some farther conversation, the papers were ordered to be printed, and to be taken into consideration on Monday next.

Mr. Creevey presented a petition from certain freeholders of the county of Middlesex, complaining of the undue return made of the last election for that county, stating that *Mr. George Bolton Mainwaring*, the candidate that had been returned, was neither qualified to stand for the county, as the eldest son and heir apparent of *William Mainwaring, Esq.*

Esq. nor as possessed of property to the amount of six hundred pounds, as required by law; though, when required to take the oath of qualification, that gentleman had been stated as qualified in both these respects; praying that the house may take the said election into consideration, and may declare the same null and void.

It was ordered to lie on the table, and to be taken into consideration on Thursday, 28th of February next.

Lord H. Petty rose to state that, having looked at the paper that had been just laid on the table respecting the exports of this country to Spain, he found it very defective in not specifying the ports from which those exports were made, and the amount of the exports from each. His lordship wished, therefore, to submit to the house the propriety of amending this account, by making such a specification.

The *Speaker* informed the noble lord, that any such amendments made on the paper then before the house would not be agreeable to parliamentary usage, and that therefore a precise motion, to the effect he had stated, would be necessary.

Lord Henry Petty then moved, that an account be laid before the house of the exports from this country to the ports of Spain, in 1803 and 1804, specifying the ports from which those exports were made, and the amount of each respectively.—Ordered.

On the motion of the Attorney General, the house went into a committee on the insolvent debtors' bill.

The house having resumed, the report was brought up, and the bill read a third time and ordered to the Lords.

Mr. Alexander brought in the two bills in pursuance of the order of Saturday, granting to his majesty the continuance of certain duties on malt, pensions, sugar, tobacco, &c. which were read a first time, and ordered to be read a second time the next day.

A message was received from the Lords, requesting that the house would give leave to four of their members, Sir Thomas Fetherstone, Sir James Stewart, hon. Galbraith Lowry Cole, and Mervyn Archdall, Esq. to attend on a committee of the Lords, and be examined by their lordships, on Thursday, the 18th of February, respecting the case of Judge Fox.

The messengers being ordered to withdraw, the house, on the motion of the Solicitor General, agreed to grant the request of their lordships.

The

The messengers being therefore called in, the Speaker informed them that the house would send their answer by their own messengers.

SPANISH PAPERS.

Mr. Grey rose to move for the production of certain additional papers relative to the rupture with Spain, without which he conceived that it would be quite impossible for the house to form a fair judgment on the subject. He had no wish to anticipate the decision which might be formed from the papers already before the house, but the documents which he wished to have produced were indispensable to a full view of the policy which had been pursued by his majesty's ministers. The first paper for which he wished to move was one connected with the manner in which the treaty of Ildefonso was to be acted upon by Spain, after the commencement of hostilities with this country and France. This paper was, an account of any demands for pecuniary succours made by France on Spain, in July 1803. The production of this paper was requisite to shew to the house in what manner Spain had determined to act, and France was prepared to enforce the terms of the treaty. It appeared that in September 1803, *Mr. Frere* remonstrated on the subject of certain preparations in the port of Ferrol, and complained that a disposition was shewn to afford assistance to France. What answer was given to his note did not appear from the papers already on the table. It was however highly probable that some answer was given, and it was not at all unlikely that some general explanations took place on the subject. To clear up this matter, therefore, he was anxious to have laid before the house copies or extracts of all explanations received from the Spanish government in September 1803, respecting the march of bodies of artillery and marines destined to reinforce the French fleet in Ferrol, and all assurances afforded on the subject of any march of French troops through Spain, since the commencement of the war. While he was desirous of information on this point, he was not less anxious to know what information was obtained as to any advances of money made by Spain to France, from the 20th September to the 27th of December 1803, which was about the time that *Mr. Frere* expressed his alarm respecting hostile preparations. He should move, therefore, for an account of all information received on this point, and a copy of all discussions which such information might have created. The next

next period on which he wished explanation, was in January 1804. In a dispatch of Lord Hawkesbury's to our minister at Madrid, written in that month, reference is made to some previous information on the subject of a treaty of neutrality. It is then that some notice is taken of a previously existing treaty, compact, or convention, respecting the future neutrality of Spain. He thought it important for the house to ascertain what that convention was, or to what extent it proceeded. With this view he should submit a motion for the production of a copy of such convention, if it really was in existence. What he had next to complain was, the very long vacuum in the papers from the 21st of January to the time that the administration in which Lord Hawkesbury was at the head of the foreign department closed. This was the more wonderful as it was hardly to be imagined, that during so long an interval no correspondence of any sort took place betwixt our minister at Madrid and the secretary for foreign affairs. It was highly necessary that this part of the business should be fully understood, and he should certainly move for all the correspondence which had taken place during the interval to which he had alluded. The next deficiency in the correspondence was from the 22d of May to the 29th of September; surely it was not to be imagined that in the relative situations of the two governments all official discussions or explanations should have been suspended. But the papers were totally silent on this point. He next adverted to the dispatch of Lord Harrowby on the 21st of October, in which the peremptory orders were given to Mr. Freres to ask for his passports. In that dispatch it was quite clear that the secretary of state for the foreign department then alluded to certain other information received in addition to that on which the letter of the 29th of September was founded. It was proper, therefore, to have copies produced of any intelligence on the subject of preparations in the Spanish ports, which differed from that originally received from our commander off Ferrol. Other papers must have been received, or it was quite impossible to account for the different language held in the two dispatches. The next paper for which he should move, was a copy of all the letters and notes presented by the Spanish ambassador resident at our court, and all explanations to which these letters or papers referred. The information which gave rise to Lord Harrowby's dispatch in September was not, he contended,

sufficiently explained to the house. He should move, therefore, for a copy of that letter of Rear-admiral Cochrane, on which the secretary of state's dispatch was grounded, and the date when the letter was received. The first letter of Admiral Cochrane was in September, giving a statement of the Spanish force in Ferrol, and the next, in October, states, that the Spanish force was in the same state as described in his last. But here the admiral could not allude to his letter in September, because the Spanish force was not in the same state in October. A number of ships which had indicated some appearance of preparations for sea, had been hauled back into the inner part of the harbour. There must, therefore, have been some other information communicated by Admiral Cochrane besides that which the papers contained. He should move, therefore, for copies of all intelligence received of the Spanish force in Ferrol and Corunna, as far as the period when the dispatch of the 21st of October was transmitted to our minister at Madrid. He should, at the same time, move for copies of all intelligence received from our resident consuls, or any naval or military officers, of the force in Cadiz and Carthagena, and also the state of the arsenals. These accounts would still, however, be incomplete without a statement of such information as Sir Edward Pellew had communicated, respecting the Spanish force in the ports of Ferrol and Corunna, and the conduct of the Spanish governor of Ferrol respecting the English ships off that station. Connected with this part of the subject, he should also move for an account of the amount of supplies, of naval stores and provisions granted by the Spanish government to the squadron under that officer's command. As a good deal had been said of the Spanish governor of the island of Cuba, and the sales of English prizes in the ports of that island, he should, with the view of obtaining satisfactory information, move for copies of all the intelligence, instructions, or remonstrances, which had been received on this subject. To conclude the whole it was requisite that the letter of Admiral Cochrane, on which the order for detaining the Spanish frigates was founded, should be produced, and the day on which it was received correctly stated. The hon. member having thus gone through the various topics on which he thought additional information necessary, sat down with moving for copies or extracts of all letters received from Mr. Freyre, the minister at the court of Madrid, respecting

respecting any demands for pecuniary succours made by France on Spain in July 1803, and also copies of all instructions issued thereon by the principal secretary of state for foreign affairs, and all discussions which may have taken place on the subject.

The motion having been put from the chair,

The *Chancellor of the Exchequer* declared that, to the motions in general, he had no sort of objection. He thought that some of them might have been expressed in terms that would have facilitated the production of the papers in question, while others might have been omitted without at all keeping back any information of importance. Anxious as he was that the house should be in full possession of every document which could guide their judgment, he should not resist the production of any of the papers. It was, however, but fair for him to state, on the present occasion, that he did not at all pledge himself to the hon. gentleman that his motions would produce the information which, in all probability, he expected to derive from them.

With this explanation the motion was put from the chair and agreed to.

The next motion was for copies of all intelligence received respecting the march of bodies of artillery and marines through the Spanish territories, to reinforce the French squadron in Ferrol; and all assurances received from the Spanish government on the subject of any future march of French troops or seamen through the Spanish territories.

This motion passed without observation.

The next motion was for copies of any dispatches received from our minister at Madrid, from the 12th of September to the 27th of December, 1803, giving an account of any sums of money advanced or agreed to be advanced by Spain to France; as also copies of any instructions transmitted by the secretary of state for foreign affairs in consequence of such information to our minister at Madrid.—Agreed to.

The fourth motion was for a copy of all explanations actually given by the Spanish government, as to the amount of any pecuniary subsidies furnished to France.—Agreed to.

The motion which followed was for a copy of any confidential compact, agreement, or convention, entered into betwixt the government of this kingdom and the government of Spain, regarding the neutrality of that country.

The *Chancellor of the Exchequer* immediately rose to say
1 2 a few

a few words on this part of the subject. He could not omit the opportunity of stating to the house, in the most unequivocal terms, that whatever expressions had been made use of by the Spanish government to countenance the idea of such a convention as that alluded to being in existence, no such agreement, compact, or convention, respecting the Spanish neutrality, had been in any shape entered into. There was not a single note, letter, or word of explanation which at all even alluded to any such compact.

Mr. Fox contended that, from various parts of the papers already before the house, there was at least strong reason to presume the existence of such a convention as that alluded to. The language of Mr. Frere himself countenanced the idea. Perhaps in employing the word convention he had merely spoken inadvertently, but having used this inadvertent language, it was not very easy to do away the impression, or to suppose that people would allude to a convention which was not in existence. It was not besides very easy to conceive how the Spanish minister should allude, in his notes to Mr. Frere, to a compact, when he must have been sensible that he was alluding to an ideal transaction. He thought it highly necessary that the matter should be fully explained.

The *Chancellor of the Exchequer* maintained that whatever passed on the subject of the armaments, was already before the house. The convention alluded to could not be produced, because none such was in being. The Spanish government had indeed spoken of a convention of neutrality, but for his part he really was unable to understand this without supposing, which struck him to be the case, that the allusion was to a convention betwixt France and Spain on the subject of the neutrality of the latter country. All that had been agreed on respecting this subject, was a direct clear statement of the grounds on which we were willing to recognise the neutrality of Spain. Not one circumstance, however, had the remotest confidential allusion to any secret convention with the French government. He was convinced that a convention of this sort was concluded, and it was clear that the Spanish government refused to explain its nature and extent. But of any convention of this kind on our part, there was not the least tittle of evidence.

Mr. Fox insisted that on the face of the business there was a great want of explanation. The house had a right to require it.

Mr.

Mr. Grey still contended that **Mr. Frere** did allude to such a convention as he had supposed. His expressions at least, to say the slightest of them, were very ambiguous. There were several passages in the papers already before the house which could not, with any propriety, be referred to any compact but one with this country, on the subject of Spanish neutrality. In support of this idea, the hon. member quoted several passages from **Mr. Frere's** letters, and insisted that the house had a strong claim to have every light thrown on the subject. If the convention alluded to was one betwixt France and Spain, perhaps government were in possession of it. If they were, and if it could be with propriety produced, he hoped it would not be withheld.

The *Chancellor of the Exchequer* stated, that government was not ignorant of such a convention, but they had been unable to procure information of its nature and extent.

The motion was then put and agreed to.

The next motion was for a copy of all letters and instructions to or from our minister at Madrid, and the minister for foreign affairs on the matters in dispute.—Agreed to.

The motion that followed was for copies or extracts of all letters from Lord Harrowby to our minister at Madrid, from May the 22d to the 29th September, not already before the house.

The *Chancellor of the Exchequer* thought that this motion would produce no new information, but would not resist the production of such papers as were not already on the table.

Mr. Grey next moved for a copy of all letters and notes presented by the Spanish ambassador, and all explanations which took place on the subjects of dispute.

The *Chancellor of the Exchequer* stated, that those notes not laid already on the table, were of little or no consequence, but he had no objection to their production.

Mr. Grey next moved for a copy or extract of that letter of Rear-admiral Cochrane, in which the naval preparations are particularly explained, and such other letters as were sent by him from the 11th of September to the 21st of October, on the same subject.—Agreed to.

Next followed a motion for an account of all intelligence received from our consuls or superior officers of the state of the Spanish preparations in Cadiz and Carthagea; also the situation of their arsenals.—Agreed to.

An account of all intelligence transmitted by Sir Edward Pellew, as to the number of Spanish ships in Ferrol and Corunna, while he was cruising off that port.—It was granted.

An account of the conduct of the governor of Ferrol to our blockading squadron.—Granted.

An account of all naval stores and provisions supplied to our ships off Ferrol and Corunna, under the command of Sir Edward Pellew and Rear-admiral Cochrane.—Granted.

An account of the day when Rear-admiral Cochrane's letter, on which the orders for the detention of the Spanish frigates were founded, reached the Admiralty.—Granted.

Mr. Grey then asked, what day the right hon. gentleman proposed for the discussion, as there would not be time to print the papers to be ready for Thursday, the day fixed?

The Chancellor of the Exchequer mentioned Thursday se'nnight, which was fixed, and a new order made out accordingly.

The other orders were deferred, and the house adjourned.

HOUSE OF LORDS.

TUESDAY, JANUARY 29.

Counsel was further heard in the Scotch appeal, Smith and others against Yelton.

Lord Robert Tottenham took the oaths and his seat as bishop of Killaloe in Ireland.

Mr. Mitford presented certain papers relative to the customs in Scotland.

Lord Mulgrave said, that in selecting for the information of parliament, the papers necessary to enable them to form a correct judgment on the subject of the rupture with Spain, his majesty's ministers had endeavoured to omit nothing which might be, or which they thought could be, esteemed requisite. Other papers, however, had since been deemed essential, and as such were in the course of preparation for being laid before the house, it would therefore be necessary for him, as those additional papers could not be ready for a few days, to move, that the order for the house being summoned for Thursday first, to consider of that business, be discharged, and that the house be summoned for that purpose for Thursday se'nnight.

Lord Hawkesbury suggested, that it would be better simply to discharge the order for Thursday first, and to allow the fixing

fixing of the day for considering the business to lie over till the papers were laid on the table.

Lord Grenville said, that he understood it to be the intention of his noble friend, *Earl Darnley*, to move that his motion, which stood for Monday, should be discharged, and stand for Thursday. He thought it but fair, therefore, to say, that if it was the intention of the noble lord to move that the Spanish papers be considered on that day, it might meet with opposition.

The order of the day for Thursday being discharged,

Earl Darnley moved, that the order for summoning the house for Monday, to consider of his lordship's motion relative to the additional defence bill, be discharged, and that the house be summoned for that purpose on Thursday se'nnight.

On this subject a conversation ensued.

Lords Hawkesbury, *Mulgrave*, and *Camden*, maintaining that the business relative to the Spanish papers had the precedence, ought first to be discussed, and that Thursday se'nnight was the earliest day on which it could, with propriety, be brought forward.—And

Lords Grenville, *Carlisle*, *Darnley*, and *King*, maintaining that the state of the national defence was a subject which, in point of importance, yielded to none; that ministers should have known what papers were necessary to enable the house to judge of the merits of the dispute with Spain, and ought to have been prepared; and that *Earl Darnley* or any other peer, who had a motion to make to the house, had an undisputed right to fix the day on which his motion should be considered. If the house should see proper not to allow the lords to be summoned at the time of considering it, he must submit to have it discussed by such of their lordships as chose to attend.

Lord Hawkesbury said, if the noble earl persisted in his motion, he should feel himself entitled, when the additional papers relative to Spain should be laid on the table on Thursday or Friday next, to move that the noble earl's order standing for Thursday se'nnight be discharged, and that that day be fixed for the consideration of the Spanish papers.

The order for the house being summoned on Monday next, on *Earl Darnley's* motion, was then discharged, and the house was ordered to be summoned for that purpose on Thursday se'nnight.—Adjourned till Thursday.

HOUSE OF COMMONS.

TUESDAY, JANUARY 29.

A person from the exchequer presented, pursuant to order, an account of the net produce of the permanent and war taxes, for the year ending the 5th January 1805, distinguishing the produce of each.—Ordered to lie on the table and to be printed.

Mr. W. Pole presented the ordnance estimate for the year 1805.—Ordered to lie on the table. And the hon. member gave notice that he would on Monday move, in the committee of supply, for a grant to the amount of those estimates.

Lord William Russell brought in a bill to enable the proprietors of the Surrey iron railway to raise further sums of money. Read a first and ordered to be read a second time.

The malt duty, the pensions, offices, personal estates, sugar, cyder, tobacco, and snuff tax bills, were read a second time, and committed for Thursday.

On the motion of Lord Henry Petty, the order of the preceding day for printing the account of the exports to Spain was discharged, and an order made that the said accounts should be printed, together with the account on the table of the imports from Spain.

Mr. Huskisson presented an account of the duty outstanding, in bonds and otherwise in the excise, since the 5th of April 1804.—Ordered to lie on the table; and to be printed.

On the motion of Mr. G. Rose, the act of the 39th and 40th of his present majesty, chap. 8, was read, and the right hon. gentleman gave notice that he would, on Thursday, move that the house should resolve into a committee to consider of the said act.

Mr. Huskisson presented an account of the bounties, premiums, and other sums of money advanced by government on the exportation of fish.—Ordered to lie on the table.

Mr. Huskisson obtained leave to bring in a bill for indemnifying such persons as have omitted to qualify for offices; for allowing further time to qualify, &c. &c.

MIDDLESEX ELECTION OF 1802.

On the motion of Lord Marsham the order of the day for taking into consideration the report of the committee on the said election was read. The resolutions of the said committee with respect to the conduct of the sheriffs, and the proceedings of the house in the cases of New Shoreham in 1771, and of Great Grimsby in 1803, were also read.

Lord

Lord *Marshall* then rose and said, that according to the course of proceeding prescribed in the precedent which had been just read to the house, it was his intention, in the present case, to move, that the charges contained in the report on the table against Sir William Rawlins, Knt. and Robert Albion Cox, Esq. should be heard at the bar of the house; that copies of the said charges should be sent to those gentlemen, and that they should be heard by their counsel; that the hearing should take place on Friday next, and that Sir William Rawlins and Robert Albion Cox, Esq. should attend at the said hearing. The noble lord observed, that he proposed an early day for the discussion of this business, as it was desirable that a question of so much importance, which had stood over so long, should be determined as soon as possible; and also, as he understood, that it would be attended with no inconvenience to the parties concerned, but rather agreeable to their wishes to expedite the discussion. Agreeably to the precedents already referred to, the house would perceive that it was usual to move that evidence should be heard at the bar upon such an accusation, but to that part of the course of proceeding the noble lord did not think it at all necessary to adhere upon the present occasion, because the report on the table contained a very full account of all the evidence which related to the conduct of the sheriffs; that account was taken in short hand, by a person sworn to report it with fidelity, the several witnesses were interrogated by the members of the committee, who were also on their oaths, and they underwent an ample cross-examination by counsel of the highest ability employed by the accused. The circumstances of the case were therefore already before the house, and there was no necessity for the further examination of any evidence on the subject. An objection, indeed, offered against the further production of evidence, from this consideration, that witnesses not being examined on oath at the bar of the house as they were before the committee, might be induced to prevaricate. On the score of precedent it did not appear to him to follow that a motion for the further hearing of evidence should be made, for in one of the precedents that had been read to the house, the reason alleged to shew the propriety of such a motion was, that the party accused had no counsel present at the committee to cross-examine the witnesses upon whose testimony the accusation was grounded. This consideration could not be urged in the instance then before the house, nor did he conceive any ground upon which such a

motion as he alluded to could be fairly sustained. The full investigation of every thing connected with the charge against, and the defence for the accused, which had taken place before the committee, of which he had the honour to be chairman, seemed to him entirely to preclude the necessity of any fresh examination of evidence. The case of a court martial, the minutes of the evidence taken before which formed the ground for the sentence, to be subsequently ratified by higher authority, he thought analogous to that of an election committee. To the committee it did not belong to pronounce any sentence, or to inflict any punishment. They had only to inquire into the subject referred to them, and to report their opinion thereon. Such was the course pursued by the committee, whose report was under the consideration of the house, and that inquiry was so minute that he really could not think any farther inquiry by the examination of evidence necessary. Upon these grounds the noble lord said, he would decline to make any motion of that nature.

The *Speaker* called the attention of the house to the course of proceeding which the noble lord had announced his intention of adopting. In every part of that course, the noble lord proposed to act consistently with the accustomed order of the house, with the exception of omitting to move for the production of evidence at the bar. This was a departure from the usage observed in the precedents which, according to the motion of the noble lord, had been read by the clerk; and also from that which had been attended to in another instance, since these precedents had occurred. The right hon. gentleman, from a just solicitude for the important privileges and order of the house, felt it his duty to notice the proposed deviation; at the same time he observed that no question would arise upon it that day. The practical question on this point, as to the sufficiency or deficiency of evidence, would occur when it should be proposed to proceed to a decision, without any farther examination of evidence.

Mr. Francis asked, for information sake, to what purpose the business was at all brought before the house for consideration, if evidence was not to be examined; or upon what question the house was called on to decide? If the subject was not to be investigated at the bar, the house would have nothing left to do but to adopt the opinion and recommendation of the committee; and there could be no use for the hearing of counsel. But he trusted this measure would be differently considered; for if the course proposed by the noble lord were followed,

followed, it did not appear to him that any question would remain for the discretion of the house.

Lord Marsham stated, in reply to the hon. gentleman, that the question brought before the house for consideration was this, whether, from the whole body of evidence contained in the printed report on the table, and which comprehended the fullest information on both sides of the case, the committee was justified in the inference they made, and in the opinion they had pronounced upon the parties accused, and also whether any proceeding should be instituted grounded on such opinion. The noble lord repeated his objections to the farther examination of evidence.

After some farther observations from the Speaker, the motions, described by *Lord Marsham* in his opening, were put and agreed to.

IRISH OFFICERS, &c.

Lord Archibald Hamilton gave notice that he would on Friday move for the production of certain papers, the nature of which he was not then prepared precisely to describe; but that they would relate to the subject to which he had in the course of the last sessions taken occasion to call the attention of the house; namely the payment at par in this country of Irish pensions and salaries to Irish officers, &c.—Adjourned till Thursday.

HOUSE OF LORDS.

THURSDAY, JANUARY 31.

Counsel were finally heard upon the appeal cause, *Smith v. Yelton*. Judgment postponed till that day fortnight.

A variety of documents relative to the numbers of men raised, and different modes of raising the same, under the additional force act, were, on the motion of *Lord Camden*, ordered to be laid before the house.

In answer to a question from *Lord Darnley*, his lordship said, he could not exactly tell when the papers in question could be laid upon the table, but he hoped it would be upon an early day.

Lord King gave notice that on Monday se'nnight he should bring forward a motion relative to the monies remitted on account of government to Ireland.

The bills upon the table were forwarded. Among these *Lingham's* divorce bill was read a first, and ordered to be read a second time that day fortnight.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, JANUARY 31.

Sir John Anderson brought up the bill for indemnifying certain coal-factors from the penalties incurred from certain literal errors and unintentional omissions, under the act for establishing a free coal market in the city of London.—Read a first time, and ordered for a second reading.

Mr. Huskisson moved the order of the day for going into a committee on the annual malt tax bill; also, that it be an instruction to the committee, that they have power to receive a clause of credit, and a clause for making good the deficit in the produce of the tax on the 5th of March 1805, out of the supplies of the present year. The house having resolved into the committee, Mr. Alexander in the chair, the blanks were filled up, the new clauses added to the bill; and on the house being resumed, the report was ordered to be received the next day.

The pension-duty bill passed through a committee, charged with similar instructions; and the same clauses having been added to the bill in the committee, when the house was resumed, the report was ordered to be received the next day.

Mr. Huskisson, in the absence of his right hon. friend, the Chancellor of the Exchequer, gave notice of a motion in the committee of ways and means the next day, for the issue of exchequer bills to a certain amount, on the credit of the aids of the present year.

Mr. Foster moved, that the message from the lords of Monday, requesting the permission of the house for Sir Thomas Fetherstone, Baronet, Mervyn Archdall, Esq. Sir J. Stewart, and the hon. Galbraith Lowry Cole, to attend at their bar to give evidence on the charges alleged against the hon. Justice Fox; should be taken into consideration.

The message having been read, an order was made for allowing Sir Thomas Fetherstone, Baronet, and Mervyn Archdall, Esq. (then present) to attend pursuant to the message of the lords, if they see fit.

Lord Archibald Hamilton withdrew his notice of a motion relative to the pay of Irish officers, which stood for the next day, and fixed it for Tuesday.

NAVY BOARD REPORT.

Mr. Kinnaird, in giving notice of a motion which he proposed to submit to the house on Tuesday next, thought it right to

to put the house in possession of his object in making it. His motion would be, that there be laid before the house a copy of the report of the navy board to the admiralty, dated the 24th of November 1804, respecting the profuse expenditure in the repairs of the Romney, Nassau, and La Suffisante, vessels under the command of Sir Home Popham. If the paper, on its being produced, should confirm the opinion he then entertained on the subject, he considered, in fairness to that officer, bound to take the opportunity of stating, that he should in that case feel it his duty to prosecute the inquiry still further.

QUARANTINE LAWS.

Mr. Rose moved the order of the day for a committee of the whole house to consider of these acts. On the house resolving itself into the committee,

Mr. Rose stated, that the duties under the former acts were found insufficient for the purpose for which they were originally imposed, and as the most expeditious method of remedying that defect, proposed two resolutions to the committee; 1st, that it is expedient that the present quarantine rates and duties do cease and determine; and 2d, that others more effectual and productive be substituted in their place. The resolutions were agreed to, and on the house being resumed, the report was ordered to be received the next day.

COMMISSIONERS OF NAVAL INQUIRY.

Mr. Giles begged leave to call the attention of the house to a subject of considerable importance. Two years had already elapsed, since the board of commissioners of naval inquiry had been established under the authority of parliament. By the provisions of the bill, by which that board was constituted, its operation was limited to two years from the 22d of December 1802, and to the end of the next session of parliament. In consequence of the postponement of the meeting of parliament till after Christmas in the present session, that act would naturally determine with the present session, twelve months earlier than the period that was in the contemplation of parliament, at the time of enacting it; for had the house met at the usual time, the date of the lapse of two years would have fallen within the present session, and of course the operation of the bill would be extended to the end of next session. His view in rising therefore, was to ascertain from his majesty's ministers, whether it was their intention to take any measures to prolong the duration of this beneficial act.

Some

Some minutes having elapsed after Mr. Giles sat down, without any answer being given to his inquiry, he rose again, observing, that from the silence of the gentlemen on the other side, he concluded that it was not in the contemplation of his majesty's ministers to continue the bill. In that case he should feel it his duty to submit a motion to the house on the subject, which he fixed for Monday fortnight.

PRINCE OF WALES'S ISLAND.

Mr. G. Johnstone gave notice that he should on Monday next make a motion for papers relative to the establishment in Prince of Wales's Island.

Mr. Huskisson obtained leave to bring in a bill to amend the assessed tax commissioners act.—Adjourned.

HOUSE OF LORDS.

FRIDAY, FEBRUARY 1.

Mr. Adam was heard for the appellant in the Scotch appeal, Robert Hamilton and others, proprietors of the late Glasgow glass-house company, against John Geddes, manager of that company. The further hearing postponed till next-day.

Lord Hawkebury having moved that the house do adjourn till the next day,

Earl Darnley rose, not, he said, to oppose the motion, but merely to state what he conceived to be the reason for the noble lord proposing that the house should meet the next day, namely, that the additional papers relative to the question with Spain were expected then to be ready to be laid upon the table. In stating that he did not mean to oppose the motion, he begged it to be understood that he could not at all reconcile the conduct of the noble lord, and of his colleagues in office, in now wishing to push this matter to so early a discussion, to the effect even of taking precedence of another business, of which he (Lord Darnley) had given notice, and which undoubtedly yielded in interest to none, with their previous proceedings and ideas on this subject. All the correspondence, all the papers at all connected with the Spanish question, were in their power and knowledge, and in the power and knowledge of none else. They ought at the beginning to have laid on the table every paper which was at all essential to the forming of a fair judgment on the question. They did lay such papers on the

the table, and noble lords on the same side of the house with him (Lord Darnley) made no objection to them, nor demanded any farther production. They were willing to have formed their judgment on the question, on the evidence which ministers themselves had thought sufficient. Now, however, ministers view the matter differently, and they had themselves moved for additional papers. To this his lordship said he could have no objection; but he must be forgiven saying that the conduct of noble lords on the other side, in this respect, did not correspond with that desire for a speedy discussion of the business which they had been so eager to profess; at all events he could not see on what grounds their own delay, or want of preparation, ought to be esteemed a reason for postponing the motion on another important subject of which he had formerly given notice. He rather conceived the conduct of noble lords in administration, as a servile imitation of the proceedings in another house, which it was unbecoming the dignity of that house to follow, unless on most substantial and necessary grounds.

Lord Mulgrave vindicated himself from any blame, either as to an omission in the papers originally laid before the house, or in an unnecessary delay in preparing those which it had been deemed proper now to produce in addition to them. As to there being any fault in laying before that house such information as had been asked and granted in the other, he must confess he was at a loss to conceive where it lay. It was the first time, he believed, that such an objection had been started, and he conceived there would have been far greater room for complaint, if it could have been alleged that information was afforded in the other house, or any where else, which was withheld from their lordships.

Earl Darnley explained, when the house adjourned till next day.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 1.

Mr. Bouverie moved for a new writ for the burghs of Kirkaldy, Burnt Island, &c. in the room of Sir James Sinclair Erskine, Bart. lately come to the title of Earl of Rosslyn.

New

New writs were moved for the borough of Newark, in the room of Sir Thomas Manners Sutton, appointed one of the judges in his majesty's court of Exchequer; for the borough of Totness, in Devonshire, in the room of Vicary Gibbs, Esq. appointed his majesty's solicitor-general; and for the borough of Michell, in Cornwall, in the room of Robert Dallas, Esq. appointed his majesty's chief justice of Chester.

On the motion of the Chancellor of the Exchequer the house resolved itself into a committee of ways and means.

The right hon. gentleman previous to moving that three millions be raised on exchequer bills, towards the service of the year, intimated that he should take an early opportunity of apprising the house on what day he should bring forward the general ways and means for the public service.

Three millions of exchequer bills were then voted by the committee. The house resumed, and the report was ordered to be received next day.

The Chancellor of the Exchequer gave notice that he would on Monday submit a proposition to the house, on the subject of the loyalty loan.

MIDDLESEX ELECTION OF 1802.

The order of the day being read, for hearing the charge against Sir William Rawlins, Knt. and Robert Albion Cox, Esq. the sheriffs who presided at the Middlesex election in 1802,

Lord Marsham stated, that he meant to postpone the consideration of the question to Tuesday. He had seen no reason to alter the opinion which he had expressed on a former occasion, that it would not be necessary to adduce any evidence before the house. He was the more inclined to adhere to this opinion, as he understood, though he was not authorized to make the declaration, that the gentlemen who were chiefly concerned in the business had no wish that any evidence further than what was contained in the report of the committee should be produced. But though he had not changed his opinion, he thought it proper to give the house time to find out any precedents which referred to cases of a similar nature, and with that view he had risen to propose the delay of a few days.

The order was then discharged, and *Lord Marsham* moved, that a new order be made out for Tuesday.

Mr. Fox rose, not with any view of entering into the merits

merits of the question, but only to make a very few remarks on what had fallen from the noble lord on the subject of calling evidence before the house. He thought it quite clear; that in all cases where the house were called upon to act in a judicial capacity, they ought to decide not from what was stated in evidence before a committee, but what was produced in evidence before themselves. Whether the parties wished to have evidence produced or not, was what the house had nothing to do with in judging of the general question of the right of the house to call for it, which was intimately connected with the grounds of a fair decision. Perhaps it might be found that the parties were desirous of calling exculpatory evidence; and this differed materially from the proposed mode of proceeding in the absence of all evidence. At all events, he thought the right of calling evidence ought to be left fully open, and that nothing should be done inconsistent with the general practice of the house.

Lord Marsham said, that on a former occasion he had understood from the counsel of the accused parties that they were anxious to call evidence to a point which had occurred since the dissolution of the committee. He was now, however, led to believe, that they had no desire to call evidence of any sort, and were willing to rest their case on the evidence before the committee.

The *Chancellor of the Exchequer* could not admit the doctrine laid down by the honourable gentleman opposite (*Mr. Fox*) in all the extent he seemed desirous of establishing. He did not think that in every case where the house exercised a judicial capacity they were bound to call evidence before them. From looking into precedents on this subject, he found, that previous to 1770, when *Mr. Grenville's* act was framed, the uniform practice of the house had been to receive evidence contained in reports of a committee as sufficient to authorize a decision without going into fresh evidence at the bar. It would be recollected, too, that these were not committees of the whole house, but select committees, whose reports were allowed to be binding. Since the framing of *Mr. Grenville's* act, these select committees were composed of members sworn on oath to try the merits of such petitions as were brought before them, and to judge of the evidence produced under the obligation of that oath. Now, he thought that it would be rather extraordinary to have given more credit to the re-
VOL. I. 1805. L ports

ports of select committees previous to the formation of the Grenville act, than to the report of committees sitting under its sanction. It was true there were cases where the house did think it necessary to call evidence before them. The first of these cases was the case of Shoreham, and there were two other very recent cases, of Great Grimsby, and Liskeard. In the case of Cricklade the proceedings of the house were different. There a question had been started as to the necessity of calling evidence before the house, and a committee was appointed to search for precedents. The report of the committee was, however, from time to time delayed, and no decision ever took place. The present inclination of his mind was, that the calling of evidence was unnecessary, and he thought it a matter of very serious importance not to interfere with the old established privileges of the house. In every case previous to 1770, the house had proceeded on the report of select committees, and he saw no reason why this mode should be departed from on the present occasion. He thought it his duty to throw out these few hints with the view of inducing gentlemen to turn their minds to the subject, and to come fully prepared to the discussion on Tuesday.

Mr. Francis said a few words expressive of his opinion that the house could not decide justly or fairly without hearing evidence.

The business was then fixed for Tuesday.

Mr. Windham rose to ask of the Secretary at War, in what state of forwardness the papers were, for which he had moved on a former day?

The *Secretary at War* said he was not then prepared to answer the right hon. gentleman's question, but at the next meeting of the house he would be able to give him the information he required.

The *Chancellor of the Exchequer* informed the house that the additional Spanish papers, moved for by an hon. gentleman opposite, (*Mr. Grey*), would be ready for delivery next day.

The malt duty bill and the other tax bills on the table were reported, and ordered to be read a third time next day.

The report of the committee to whom was referred the present state of the quarantine laws, was brought up, and the resolutions were severally read and agreed to.

A bill was ordered to be brought in pursuant to the resolutions,

lutions, the object of which is to enforce the quarantine laws with the utmost severity.

The annual indemnity bill was read a second time and committed for next day.

The other orders were disposed of, and the house adjourned.

HOUSE OF LORDS.

SATURDAY, FEB. 2.

Earl Camden acquainted the house, that the additional papers, relative to the state of the military force, could not be got ready in order to be laid upon the table before Monday.

A short conversation took place between Earl Spencer and Lord Mulgrave, with respect to the postponement of Lord Darnley's motion on the subject of the above papers, which stands for Thursday next; but, in consequence of Lord Darnley's absence, no motion was made to change the day.

Lord Mulgrave presented manuscript copies of several of the supplementary papers relative to the Spanish war. He expressed his wish, that they should be taken into consideration next Friday, and moved that the house be summoned for that day.—Ordered.

HOUSE OF COMMONS.

SATURDAY, FEB. 2.

The malt duty bill, and the pensions duty bill, were read a third time and passed.

The assessed taxes commissioners bill was read a first time, and ordered to be read a second time on Monday.

The indemnity bill went through a committee, and the report was ordered to be received on Monday.

The report of the committee of ways and means, that three millions should be granted to his majesty on exchequer bills, was agreed to, and a bill ordered to be brought in thereon.

The Chancellor of the Exchequer presented some additional papers relative to the Spanish war,* a number of which, he said, had been printed for the use of the members.

The *Secretary at War* presented some necessary papers preparatory to the army estimates; also an account of the

* See Part II. of the SPANISH PAPERS.

sum required for barracks during the present year, which was ordered to be printed. He said, he should introduce the subject of barracks into the army estimates on Monday, but he should not press for a vote.

Mr. Calcraft suggested, that some little delay was necessary on that subject.

Adjourned.

HOUSE OF LORDS.

MONDAY, FEBRUARY 4.

Earl Darnley moved, that the order for summoning the house for Thursday next on his motion relative to the additional defence bill be discharged, and that the house be summoned for that purpose on Tuesday se'nnight, so as not to interfere with a motion of his noble friend (Lord King's) standing for Monday.

Lord Hawkesbury had no objection to the motion of the noble lord; only he thought it proper to mention, that if his lordship had been desirous of discussing that subject by itself, without taking into it the question of the defence of the country, ministers would have been ready to have gone into it on Thursday. All he wished to be understood was, that the delay was not made at the request of ministers. With respect to the intended motion of the noble lord (King), if agreeable to his lordship, he should be happy that night, or between that and Monday, to be a little better informed as to the precise nature of it, as he had only heard it imperfectly from report.

Lord King said, that his motion would principally go to inquire into the amount of cash sent from this country to Ireland to facilitate the equalization of the rate of exchange between the two countries. He was not, however, prepared at the moment to state the precise words of his motions.

The order for summoning the house for Thursday was then discharged, and ordered to stand for Tuesday se'nnight.

SPANISH PAPERS.

Lord Grenville said that when the papers relative to the rupture with Spain were originally laid on the table, he was induced to suppose that every thing which could at all elucidate that subject had been submitted to their lordships' consideration. When, however, the additional papers were, on the motion of the noble secretary of state himself, moved for and

and presented to the house, he had, as was his duty, perused them with the greatest attention, and he was happy to think that he had done so, and to believe that in perusing them he had received as great information on the subject, he believed he might say he had received more information from them than the first volume of papers afforded. From this circumstance, he was the more inclined to hope, that it would still be in the power of ministers, who, after taking nearly two months to consider what papers were necessary, had not produced more than one half of what they themselves had latterly deemed essential, to supply the chasms which, he was sorry to see, still existed in the communications necessary to enable the house to form a judgment on this important business. The first paper which he observed to be wanting, and to which he was inclined to attach considerable importance, was a communication which, it would seem, from Mr. Frete's dispatches, must have taken place between him and M. Cevallos. In his conferences with the Prince of Peace relative to the nature of the defensive treaty between France and Spain, on pressing that minister for farther particulars, he is informed by the Prince of Peace that he is not the proper person to furnish him with the necessary information, and he is referred to M. Cevallos. He accordingly, in concluding his dispatch to ministers, intimates his intention of taking the earliest opportunity of conferring with M. Cevallos on that subject; but although his lordship had read the whole additional volume with attention, the result of that conference had no where met his eye. He therefore should move, that an humble address be presented to his majesty, praying that he would be graciously pleased to order the dispatch or letters containing the substance or result of that conference to be laid before the house.

Lord Hawkesbury wished, as ministers were not prepared on this subject, although they wished to give every access to the papers in their possession which the house might judge necessary, that they should not be pushed on a subject where some delicacy might be necessary, without being aware of the nature of the papers which might be demanded. He therefore wished the noble lord would content himself with giving notice of his motions for the next day.

Lord Grenville presumed that ministers could hardly be such strangers to the import of such remarkable documents in their possession, as to render any notice necessary. It would be highly inconvenient for him to come to the house next day to
make

make the motions he had then ready; if he must, however, he should surely do so; but he hoped that would be unnecessary.

Lord Mulgrave assured the noble lord, he gave him more credit than he deserved, in supposing that he was so well aware of the contents of all the papers in his possession, as to give a determined answer on the moment. He had originally laid on the table all he deemed necessary to enable the house to form a judgment on the subject. If, however, the noble lord would favour him with a list of the papers he wished produced, he assured him, if in his hands, or at all to be procured, and such as ought to be produced, they should be fairly and candidly laid before the house.

To this *Lord Grenville* assented, and proceeded to particularize the different papers he wanted. A report of the communications between *Lord Harrowby* and *Don d'Anduaga*, as to the armaments at *Ferrol*, he particularly looked on as being essentially necessary to elucidate the question as to the seizure of the Spanish ships. The information and explanations given on that subject were unquestionably of the highest importance, and he was convinced the known accuracy of his noble friend (*Lord Harrowby*) could not so far have forsaken him as to induce him to leave a subject of this important nature without any memorandum whatever to enable the house to judge of it, and with it of the propriety of his own conduct. There was another thing he wished particularly explained. He observed that *Mr. Frere*, in February 1804, made the assurance that the condemnation of British ships in Spanish ports would be discontinued, a fundamental article in his continuing longer at *Madrid*, and declared if that were not agreed to, the period of his mission must cease. Now, he had searched in vain through the whole of the correspondence for any authority to *Mr. Frere* to hold such language, and he wished it to be produced. He concluded by specifying seven additional papers, and hoped the noble secretary of state would inform him in the course of the next morning how far it was the intention of ministers to comply with his motions. That one which regarded the explanations from *Don d'Anduaga* to *Lord Harrowby*, he considered of so much importance, that if withheld, however inconvenient to himself he must come down and take the sense of the house on it.

Lord Mulgrave promised that the noble lord should be informed at as early an hour the next day as possible, how far
it

it would be in his power to comply with the noble lord's demands.—Adjourned.

HOUSE OF COMMONS.

MONDAY, FEBRUARY 4.

Lord Henniker took the oaths and his seat for the county of Rutland.

Sir Evan Nepean presented accounts of the debts contracted by the navy for the last year.

On the motion of Sir John Anderson, the coal merchants and factors indemnity bill was read a second time, and ordered to be committed the next day se'nnight.

On the motion of Lord W. Russell, the Surrey iron railway bill was read a second time, and ordered to be committed.

QUARANTINE.

Mr. Rose presented the bill for the amendment of the quarantine act. The bill having been read a first time,

Mr. Rose thought it his duty to call the attention of the house to the provisions contained in it. The bill passed in 40th Geo. III. had placed the performance of quarantine under various regulations, which were to be performed according to orders to be issued by his majesty in council in virtue of powers vested by that act. At present it was intended to increase these powers, so that the necessary precautions may be applied, not only in case of plague, but of every other infectious disease. The bill then before the house, went also to give similar powers with respect to vessels on board of which any infection may have broken out at sea, though such vessels may not have sailed from an infected place. This bill was also designed to give powers to force back on board their ships, persons escaping from quarantine; or, to put them to death if they should resist such force; also a clause to indemnify his majesty's privy council for their conduct with respect to a vessel which had arrived from Gibraltar, and part of the crew of which had landed under circumstances certainly very much to be compassionated. The vessel had come from Gibraltar to Falmouth, from whence she was ordered round to Stokes Bay, the place appointed for the performance of quarantine; but in coming round, she was wrecked, and part of the crew escaped to a village near Chichester, where they were discovered at a public house, and sent back to the proper place for performing the remainder of their quarantine. The bill was ordered to be read a second time on Friday.

The

The Secretary at War presented the remaining papers that were necessary to complete the accounts he had presented on Saturday, relative to the new battalions raising in Ireland.

The assessed tax commissioners bill was read a second time, and ordered to be committed the next day.

The annual indemnity bill was reported, and ordered to be read a third time.

Mr. Kinnaird gave notice, that, in addition to the papers that had been already moved for, he would the next day move that there be laid before the house an account of the expence of repairing the Romney at Sheerness in 1800; an account of the repairs of the fleet under the command of Admiral Sir Home Popham in the Red Sea; and copies of the letters of the Marquis Wellesley relative to that subject.

PRINCE OF WALES'S ISLAND.

Mr. Johnstone, agreeably to his notice of Thursday, rose to move for certain papers connected with the resolution of the court of directors, to establish a settlement and naval arsenal at Prince of Wales's island. The whole of this business appeared to be determined on by the court of directors, so far as it was possible to judge from a decision authorizing them to proceed, derived from a ballot of the proprietors. It was a remarkable circumstance, however, and one which he thought highly worthy of the attention of the house, that out of the gross number of 728 proprietors, no smaller a number than 318 had been found adverse to the principle and expediency of the establishment proposed. To enable the house and public to judge how far this establishment was really either politic or necessary, he had risen to move for certain papers which would tend to place the matter in a clear point of view. The hon. gentleman accordingly moved for a copy of any estimate of the expence of building a 74 gun ship and a 36 gun frigate at Bombay.

A copy of the letter of Lord Castlereagh to the court of directors, on the 9th of September 1804, together with all the enclosures to which that letter referred.

A copy of two letters of Sir Andrew Snape Hammond, to the court of directors, on the 29th and 30th of October 1804; and a copy of all proceedings of the commissioners for the affairs of India, and the court of directors, respecting the establishment of a naval arsenal in Prince of Wales's Island.

These several motions were put from the chair and agreed to.

The

The three million exchequer bills' bill was introduced by Mr. Alexander, read a first time, and ordered for a second reading the next day.

Mr. Creevey stated that a commission for the investigation of naval affairs, lately issued, under which Sir Charles Middleton and several other gentlemen were empowered to act, had been the subject of a good deal of observation. An idea was entertained that the powers granted by that commission were of a very extensive nature, nay, that they were absolutely discretionary. He wished, therefore, to have a copy of the commission fairly laid before the house. The hon. gentleman accordingly moved for a copy of the document in question.

The *Chancellor of the Exchequer* had no sort of objection to the production of the commission. He thought it, however, necessary to lose no time in having it fully understood that the idea of discretionary powers being conveyed by the commission was altogether erroneous. The fact was, that the commission was merely calculated to authorize those acting under it to consider of such improvements in the naval department as the reports of the commission, formerly appointed, might appear to justify or require.

The motion was agreed to.

Mr. Creevey wished to know from his majesty's ministers what steps were in agitation, by the lords of the treasury, against — Fordyce, Esq. If no information was received, he thought it his duty to say that he should, on some early day, bring the matter under the consideration of the house, unless, in the mean time, those who had better means of ascertaining the circumstances of the case, should feel it their duty to bring it forward.

The *Chancellor of the Exchequer* thought the business could not be in better hands than those of the hon. gentleman. Here the matter ended.

SPANISH PAPERS.

Mr. Grey rose to ask when the other papers, for which he had moved, might be expected to be laid on the table?

The *Chancellor of the Exchequer*, in reply, mentioned that he was in immediate expectation of their arrival. They were accordingly delivered out to the members before the house adjourned.

Mr. Grey, after all the information which the papers already moved for contained, still expressed himself of opinion

VOL. I. 1805.

M

that

that there were several important deficiencies to be supplied, and points of the highest consequence to be explained. The deficiencies at present existing were, papers from the office of the secretary for the foreign department, and the board of admiralty. Of the latter he should, at present, say nothing, because all the papers he had moved for were not yet produced, and till they were on the table he could not ascertain to what extent the deficiency of evidence existed. As to the deficiencies from the secretary of state's office, he had to offer a few observations. What, in the first place, he wished to ascertain was, whether, previous to the 2d of June, down to the 24th of November, there existed any papers illustrative of the steps taken by our ministers to obtain any satisfactory explanation of the terms of the treaty of St. Ildefonso. He was also anxious to know whether, during the long interval betwixt the 21st of January and the 29th of November, no instructions whatever were given by Lord Hawkesbury, or the person who succeeded him in the office of foreign secretary, to our minister at Madrid, on the subjects in dispute betwixt the two countries. If no such instructions were given, it was fit that this should be stated to the house. If, on the other hand, instructions were given, it was proper that the house should be in possession of them, to enable them to form a fair judgment of the whole of this very extraordinary negotiation. On a former day he had moved for a copy of all information received of the passage of French troops through the Spanish territories, referred to in Mr. Frere's dispatch of the 9th of September. It was quite clear, that in consequence of the remonstrances of our minister, the future passage of French troops through Spain was prevented; but while this was admitted, it was equally evident that some explanations took place on the subject. Now, it was very important for the house to know what these explanations were; but the house had hitherto no information on the subject. The existence of these explanations was indeed sufficiently evident, from references in the dispatches of the 24th of November; but the house knew not in what spirit they were couched, or to what extent they proceeded. Respecting the convention alluded to in the correspondence, he was now convinced, that what the right hon. gentleman opposite (Mr. Pitt) had stated was correct—that such an agreement between the government of Spain and the government of this country had no existence. But it was quite as manifest that the Spanish government did, in consequence of what had
taken

taken place in various conferences with our minister, suppose that their neutrality was to depend on certain understood conditions. In various parts of the correspondence it appeared that ministers had made various demands for a copy of the treaty, by which Spain was to furnish subsidiary resources to France. He wished to be informed whether ministers were ever in possession of an official copy of this document. The knowledge of this fact was highly interesting, because it would be possible to form an estimate, whether the terms of it differed widely from those terms on which, in the first instance, our forbearance was founded; whether it was materially contrary to the principles on which there was a chance of the preservation of Spanish neutrality; or whether Spain, at the time the rupture took place, had shewn any disposition to alter her conduct in any way likely to affect the interests of this country. It was not attempted to be denied, in the papers already on the table, that very important conferences had taken place betwixt the Spanish ambassador here and the secretary for the foreign department. The Chevalier d'Anduaga alluded to the conferences in various parts of his dispatches. It was fair to presume, not only that these conferences were highly interesting, but it was not at all unlikely that the principal part of the discussion that took place was committed to writing. The Spanish ambassador spoke in his dispatches of explanations which these conferences produced, and it would surely be very strange indeed, if the secretary for the foreign department never communicated any part of the discussions to our minister at Madrid, as affording him a rule for the regulation of his conduct in the course of the various discussions which took place on all the points in dispute. From the Chevalier d'Anduaga's dispatches of the 3d of August, it was quite undeniable that the conferences of the 29th and 30th of August involved matters of the highest consequence. In the whole of that dispatch it was plain that his excellency viewed them in that light, and it was not less obvious, that in a similar light he had represented them to his court. If he attached so much consequence to them, was it presuming too much to suppose that they must have been at least equally interesting to our minister at Madrid? It was next to an impossibility that he should have been left altogether ignorant of their principal importance; but not a word of what had taken place betwixt Lord Hawkesbury, his successor, and the Spanish ambassador, appeared in the papers already on the table. The house, however, ought not to be

kept in the dark, respecting any part of so interesting a business; and he certainly did think, that if any documents connected with these conferences were in existence, they ought to be produced. He should therefore feel it his duty to move for the production of all the notes which might have been presented at those different conferences to which the Spanish ambassador refers in various parts of his dispatches, and on which he appears to lay peculiar stress, as if in these the terms of the Spanish neutrality had been in a great measure adjusted. He next wished to call the attention of the house to the two notes of the Spanish minister on the 4th and the 11th of November, in which he gives an official explanation of the state of the Spanish armaments. It was important for the house then to know what was the information on which ministers proceeded when the orders for the detention of the Spanish frigates were issued. It was material to compare the intelligence received from our naval officers abroad, with the solemn assurances and explanations given by the Spanish ambassador resident at our court. Till this information was before the house, it was impossible to determine how far these orders were, or were not called for by the actual state of things. If ministers had any such information, the house had a right to demand it. If ministers had no such information, it was not at all doubtful what opinion ought to be entertained of them for issuing the orders. The hon. member also expressed a desire to have all letters or dispatches from February to May 1804, produced. It was fair to presume that letters of an important kind were written during that interval. In the letter of the 1st of May, a letter of the 18th of February is referred to, and he wished to have that letter produced, as affording some explanation of the manner in which any expectation of the continuance of Spanish neutrality could be preserved. He had thought it his duty to throw out these observations, not with the view of embarrassing government, but solely with the object of coming with full information to the discussion of a subject which he could not help considering one of the most momentous which ever was submitted to the decision of the House of Commons. As to deficiencies from the board of admiralty, he should, at present, say nothing, till he had an opportunity of seeing whether the papers he had moved for were satisfactorily produced.

The *Chancellor of the Exchequer* thought that after all the papers in preparation were laid on the table, they would afford
a full

a full and satisfactory answer to all the questions contained in the motions which the hon. gentleman had, on a former day, submitted to the house. With respect to many of the discussions which took place at the conferences alluded to in the dispatches, he believed that no memorial had been preserved. Where notes had been given in on the subject, they were unsigned, and, probably, in many instances unauthorized, and therefore they could not be considered as documents on which the house could form an opinion. As to the interval in the correspondence, on which the hon. gentleman had animadverted, he had no wish at present to enter into any argument. When the time for discussion came, he had no doubt of being able to shew that no possible blame attached to ministers from the suspension of the correspondence betwixt the two countries. It was only necessary now for him to say, that after the most diligent search, no other correspondence than that already produced, or in a state of preparation, had been discovered during the period alluded to, on the subject of the Spanish treaty with France. The papers on the table contained all the information which could be produced. It was not denied that ministers were aware of the existence of the treaty, but it was proper to state unequivocally, that they had not been able to procure intelligence respecting its details, and that the papers before the house embraced all their knowledge on the subject. They never had been in possession of any final or official account of the nature and extent of the treaty.

Mr. Fox strongly contended for the importance of having such explanations as took place at different conferences alluded to in the dispatches laid before the house. The explanations contained in the conferences of the 9th and 30th of March must, from the language of the letter of the 1st of May, have been highly interesting, and ought, by all means, to be produced. The right hon. gentleman (*Mr. Pitt*) had indeed stated, that mere notes, presented by an ambassador, perhaps merely offering a private opinion, and not authorized by his court, could not afford any information to the house. He, for his part, begged leave to argue that this was not a fair view of the subject. It was not possible to conceive from the language of the Spanish ambassador, when alluding to explanations which had taken place at conferences, that he delivered in unauthorized notes. It was, on the contrary, quite evident that he alluded to authorized explanations, in which he laid down the principles and views of his court. It was impossible

ble to believe that the notes which passed on such occasions were uninteresting. The presumption was certainly directly the reverse, and the house ought to have an opportunity of exercising their judgment on the subject. He was therefore anxious for the production of all such explanations as would tend to throw light on this most interesting subject. There was in the perusal of the papers a circumstance which puzzled him considerably, and which required a good deal of explanation. Our minister, Mr. Frere, in a letter of the 12th of November, stated, that in consequence of some discussions with the Prince of Peace, he should demand a conference. Now it was a matter of some consequence to ascertain whether ever this conference took place, and if it did take place, what was the result of it, or what explanation it produced. It was hardly to be supposed that it should not have been demanded after Mr. Frere, in a letter to the secretary for the foreign department, had expressed an opinion of its expediency. But the house had not a tittle of information on the subject. He wished to have this deficiency, with those pointed out by his hon. friend, fully supplied, previous to entering on the general question.

Mr. Grey argued, that the notes given in by the Spanish ambassador at the conference alluded to, were, if not official, at least important documents. They were representations of the principles and policy of the Spanish government, and in that light were highly requisite to guide the judgment of the house. That they were merely minutes and not signed in the usual diplomatic style, was a matter of no consideration. Their spirit was not on account of their form at all affected. He should, therefore, the next day, move for copies of the notes delivered, and of explanations which took place at those conferences to which the Spanish ambassador in his letters alluded. In the mean time the discussion terminated.

BUDGET.

The Chancellor of the Exchequer gave notice, that he would, that day fortnight, bring forward the ways and means for the public service.

He put off his motion respecting the loyalty loan to Wednesday.

ARMY ESTIMATES.

On the motion of the *Secretary at War*, the house resolved itself into a committee, to which were referred the estimates

estimates for the army and the barrack department. The right hon. gentleman, in opening the business to the committee, stated that he should regulate himself by the plan pursued by his predecessors in office, and shortly explain the amount and expenditure of our military establishment. To prevent the necessity of minute details, he thought it expedient to describe briefly in what respects our establishment was to differ from the establishment of the preceding year. The first division of the subject, as usual, referred to the guards and garrisons. In the estimates on the table, the charge for this department was four million nine hundred and forty-five thousand pounds. He was happy, however, to inform the committee that there would be a considerable decrease below the estimate. In the charge for the cavalry, in consequence of some recent alterations in the formation of troops, there would be a decrease to the amount of a hundred and six thousand pounds. According to the original plan of the army of reserve bill, there were fifty thousand men to be raised by the measure. Sixteen battalions were appointed for the reception of that proportion of recruits who were either too old or too young to be incorporated with the other levies. Since that time the number of this description of recruits was become so inconsiderable, that it was now proposed to reduce the number of battalions to three. By this means the house would perceive that a very material saving would accrue to the public from the diminution of the pay of officers of every description and rank. The whole of the saving arising from the two sources he had mentioned, and from some regulations connected with the militia, would be considerably above three hundred and ten thousand pounds, so that instead of four million nine hundred and forty-five thousand pounds, the amount of the charge would be only four million six hundred and thirty-five thousand pounds. The next article was the charge on the forces in the plantations. The amount of this charge was one million four hundred and twenty-four thousand pounds. On the establishment of the volunteers there would be a considerable decrease of expenditure; and though the charge for the militia was by the estimate two millions six hundred and sixty-three thousand pounds, the actual amount would be less, by upwards of four hundred and twenty-five thousand pounds for the year.—There was a considerable increase in the article of foreign corps: the German legion had been augmented from five to nearly ten thousand. The barrack department was one mil-
Hon

lion seven hundred and eighty-two thousand pounds. This, he admitted, was a very heavy charge, but it arose out of the circumstances in which the country was placed. The necessity of keeping so large a proportion of our troops in huts and barracks near the coast during the winter months, accounted for its magnitude. The right hon. gentleman having adverted to the principal charges, concluded with moving—

That one hundred and thirty-five thousand men be employed for guards and garrisons for Great Britain and Ireland, and the islands in the channel.—Agreed to.

That four million six hundred and thirty-five thousand pounds be granted for their pay and clothing.—Agreed to.

That one million four hundred and twenty-four thousand pounds be granted for the support of the forces in the plantations, including Gibraltar, Ceylon, and New South Wales, Agreed to.

That twenty-five thousand four hundred and ten pounds be granted for the pay, &c. of certain troops of dragoons and certain infantry employed in recruiting for the East Indies,

Mr. Francis remarked that, by the estimates, there was a charge for twenty thousand troops in India. He wished to know whether these were Europeans independent of the troops of the company. He was desirous also of knowing whether the regiments composing this aggregate number were nearly complete.

The *Secretary at War* replied, that the troops were independent of the company's forces: and that as far as he could understand, the numbers of the regiments were nearly complete.

Mr. Francis contended, that the number of European troops in India could not be much above eight or nine thousand.

The *Secretary at War* declared, that though he could not precisely state their number, he was sure they were far above what the hon. gentleman had represented.

The motion was then put and agreed to.

The next motion was for 288,000*l.* for the general and staff officers' pay.

On this being put from the chair,

Mr. Calcraft rose to make a few observations. He argued that, if the circumstances of the country made it necessary to keep up a large military establishment, it was equally requisite to see that it was kept up with all possible regard to economy. The sum proposed to be voted for the staff department appeared

peared to him enormous. If he was not mistaken in some documents to which he had referred, there was this year an excess above last year in this department only of nearly 130,000*l*. It was important to examine the grounds of this increase, and he had no difficulty in saying, that it proceeded from the excessive increase of general officers. It was a striking fact that there were now in England alone, 136 general officers, while there were in Scotland 17, and in Ireland no less than 57, making a total of 210 general officers, exclusive of those in Guernsey and Jersey. This was an unparalleled and surely an unnecessary augmentation. He could not help also thinking that the volunteer establishment had been loaded with much unnecessary expence by the appointment of general officers to instruct them in discipline. The right hon. gentleman, it appeared to him, had passed over this business much too slightly considering its importance.

The *Secretary at War* vindicated himself from the charge of shewing too little attention to the subject of general officers. He had contented himself in the first instance with merely stating the charges generally, but he was ready to attend to such objections as gentlemen stated, and to answer them in the best way he was able. He thought, however, that the hon. gentleman had not dealt fairly with him on the present occasion. When the hon. gentleman had, from his good nature, procured the printing of the estimates, contrary to all precedent, it was rather more than could have been expected, to hear him turning his own documents against himself. The fact was, however, that the hon. gentleman was mistaken in his statement; the increase in the staff department was not a hundred and thirty, but fifty-seven thousand pounds. It was true the amount of the charge was unparalleled, but so was the amount of our force. Never, at any period, had we any occasion for having six or seven hundred thousand men in arms.

Mr. Kinnaird congratulated the house on their having a secretary at war possessing the quality of good-nature in so eminent a degree, together with another quality, which he should not then denominate, in claiming merit for his good-nature with the house. He could not avoid adverting to one branch of the service which had been particularly noticed by the right hon. gentleman, as having derived essential benefit from the augmentation of the staff expenditure, viz. the volunteers; though he should not enter into the merits of that branch of our military establishment. He had much doubt

whether any advantage on the score of improvement of discipline resulted to the volunteers from the appointment of brigadier-generals. The old inspecting officers still continued, and there was a perpetual jarring between them and the brigadier-generals, which would one day or other be productive of considerable mischief. Brigadier-generals might have been wisely appointed in the first instance, but it would be very unwise to continue them, when they could be no longer serviceable.

Mr. Whitbread was of opinion that any increase in the staff establishment, with a view to the improvement of the volunteers in discipline, by the appointment of brigadier-generals, was wholly unnecessary. From his own experience he could affirm, that no advantage whatever had been derived from such appointments, he therefore thought it imprudent to add so much to the public expenditure unnecessarily.

The *Chancellor of the Exchequer* stated, as the ground of this particular arrangement, that in the circumstances of the country it might have been necessary to collect a large body of troops to a particular point, and that large bodies of troops could not be marched on such service, without the assistance of brigadier-generals. Whilst there was such a case to be looked to, it was deemed right not to wait for their appointment for the moment when their services would be necessary, but to make the appointments some time before the occasion would be likely to arrive. As the defence of the country would ultimately depend, in a considerable degree, on the efficiency of the volunteers, he was sure the house would not feel indisposed to agree to any expenditure that was to be directed to that object. From the latest returns that had been received, it appeared, that the volunteers amounted to more than 325,000 effective men. Of that number, 240,000 had been inspected, and were reported by the proper officers effective, and fit for immediate service. About 40,000 only remained yet to be inspected. After such a representation, he was confident the house would not consider the sum of 50,000*l.* an object, to be put in competition with the great object of improving the discipline of that very respectable branch of our defensive force.

Mr. Whitbread admitted, that the sum was not very material, but it remained for the right hon. gentleman to shew, that such an expenditure was necessary, or that it contributed in any degree to promote the discipline of the volunteers. In his

his opinion, without meaning to derogate from the character of the officers alluded to, the improved discipline of the volunteers was not at all owing to those generals. Not one jot of that discipline was he disposed to attribute to their orders or management. On the contrary, it seemed rather to proceed from the activity of the inspecting officers, who were as competent to forward those returns which were alleged as one cause for the new appointments, as any generals whatever. On the whole, he had much doubt of the propriety of such various appointments for the volunteers as major-generals, brigadier-generals, and inspecting officers. If either of these could, with all its appendages, be dispensed with, it would form a saving of expence that ought immediately to be attended to. For the purpose of volunteer discipline, he repeated that those general officers were unnecessary, and for the purpose of returns, the inspecting officers would fully answer. The original appointment of such a number of generals arose, he was aware, from a blunder committed in the very outset of the volunteer system. From this blunder, a confusion was likely to arise in case the volunteers were called into action, upon the score of rank among the volunteer officers, and also in consequence of the incapacity of those officers to direct the operation of a body of troops. To guard against such an effect, the appointment of some regular general officers to command the volunteers, but not by any means such a number as appeared in the estimate on the table, became advisable. The expence incurred by this increased number, he admitted was small, if the purpose for which the increase took place was great, but for such purposes as those described by the right hon. gentleman, it was much more than ought to arise. Upon this subject he thought that explanation more satisfactory ought to be given than the house had yet heard.

Mr. Calcraft compared the estimate of last year with that now under consideration, and asserted that his original statement was correct; that in the sum proposed to be voted, there was an increase beyond the vote of last year of 134,000*l*. He referred to the two estimates for the proof of this difference, notwithstanding the positive assertion of the right hon. secretary at war.

The motion was agreed to.

The Secretary at War then moved, that the sum of 2,176,000*l*. should be voted for the pay, &c. of the embodied militia of Great Britain and Ireland, for the present year.

N 2

Mr.

Mr. Calcraft said, that although the right hon. gentleman had stated, in his opening, that it was intended to reduce the militia, yet the vote proposed was for the provision of the present establishment. He wished, therefore, to know whether any reduction of the militia was intended immediately to take place?

The *Chancellor of the Exchequer* took this opportunity of stating, that it was in the contemplation of his majesty's government to bring forward without delay a plan for more speedily transferring to the regular army a certain proportion of the militia. The various reasons which rendered this measure advisable would be stated when it should be submitted to the consideration of the house; but the right hon. gentleman thought that the known disposition of the men to enter into the regular army particularly recommended its adoption, independently of the policy which obviously suggested itself, of bringing down the militia with all convenient expedition, to the standard at which, according to the act of last session, it was in future to be fixed.

Mr. Johnstone observed, that whether the proportion of the militia alluded to, should remain attached to that body or be transferred to the regular army, an additional allowance it seemed would be necessary.

The *Chancellor of the Exchequer* remarked, that in the vote for the regular army, the regiments were placed so high, that even should the proposed transfer of the militia immediately take place, their establishments would still be incomplete. Therefore there would be no necessity for any additional allowance such as the hon. gentleman referred to.

The motion was agreed to; as were the following:

- 65,692l. for militia contingencies.
- 198,793l. for ditto for clothing.
- 34,469l. for full pay to supernumerary officers.
- 191,838l. for officers, &c.
- 476,699l. for allowance to innkeepers for subsistence of soldiers, &c.
- 175,623l. for half pay and military allowances.
- 56,565l. for ditto to militia officers.
- 50,000l. for half pay to reduced officers of the regulars.
- 1,000l. for officers of the Scotch brigade.
- 249,397l. for the in and out pensioners of Chelsea and Kilmainham hospitals.
- 29,237l. for pensions to the widows of officers, &c.
- 851,350l. for foreign corps.

20,522l.

- 29,522l. for hospital expences for Ireland.
- 13,315l. for royal military college.
- 23,458l. for royal military asylum.
- 1,782,128l. for the barrack department of Great Britain and Ireland.

Upon the proposition for allowance to innkeepers being submitted,

Mr. Fuller took occasion to remark on the extraordinary expence to which the county he had the honour to represent, and the other counties on the coast, were subject, by the conveyance of troops, their baggage, &c. The right hon. gentleman (*Mr. Pitt*) had observed, that no less than 80,000 men had been for some time back stationed on the coast. The expence of carriage, &c. in forwarding these troops was paid by government, but back carriage fell upon the counties. This had produced so severe a grievance that the hon. member stated it to be the subject of general complaint. The local taxes were become extremely oppressive—no less than one-fourth of the poor's rate, which too many other causes had contributed to increase, had for the last nine or ten years been expended in the way he described. This was an evil which he trusted some means would be taken to remedy. He hoped that, in bringing forward the army extraordinary, the right hon. gentleman (the Secretary at War) would propose something as a reimbursement to those counties for what they had already spent, and as an indemnity for the future. The house would, he had no doubt, acknowledge the justice of such a proposition. The conveyance of troops for the national defence was a national concern, and no undue proportion of the expence attending such conveyance should be suffered to fall upon particular counties.

The *Secretary at War* replied that if the hon. member would confer with him in private upon the subject he alluded to, he should be happy to pay him every attention in his power, and if the proposition he recommended should be found advisable, to promote its adoption. If, however, the conversation should produce in his mind a contrary impression, it would still be open to the hon. member to bring forward a motion on the subject himself.

Upon the vote for the barracks being proposed,

Mr. Kinnaird, adverting to the temporary barracks erected on the coast, stated, that he understood them to be very unfit for the residence of the troops. He therefore wished to know whether it was meant to continue the use of those barracks

racks—whether among the provisions for barracks those were included? If so, he should certainly object to them; and if no specific account of the expence of those barracks was before the house, he should move for it.

The *Secretary at War* said that the barracks alluded to were constructed for the accommodation of the troops, because from circumstances no better could be provided. It was advisable that the troops should remain on the coast during winter, and from June till November there was not time sufficient for the building any other than those temporary barracks.

Mr. Kinnaird expressed his sorrow for the expence incurred in the construction of such barracks; but that expence was by no means so much the object of his consideration as the danger likely to result to the soldiery from a residence in such places. If these barracks were not to continue any longer in use, he would not so much complain; but if the contrary was intended, he should certainly object to it.

ORDNANCE.

Mr. W. Pole rose to move the ordnance estimates. The vote he had to submit, the hon. gentleman observed, would exceed that of the last year by about 119,000*l.* but this difference, he flattered himself, the house would feel to be fully accounted for in the increase that had taken place in every department of the ordnance, in the advance of the several articles used in each department. The hon. gentleman, after expressing his readiness to afford every explanation in his power upon each item, moved the following propositions, which were agreed to.

3,163,416*l.* for ordnance for the land service for Great Britain, for the present year.

190,344*l.* for services performed in the office of ordnance.

593,234*l.* for service of the office of ordnance unprovided for in 1804.

139,230*l.* to replace sums advanced by the Irish exchequer, for the use of the ordnance in Ireland.

479,769*l.* for the ordnance service in Ireland.

The house resumed, the report was ordered to be brought up the next day, and the committee to sit again on Friday.

The Chancellor of the Exchequer laid on the table some additional papers respecting the negotiation with Spain.*—Adjourned.

* See the SPANISH PAPERS, Part III.

HOUSE OF LORDS.

TUESDAY, FEBRUARY 5.

The malt duty bill went through a committee, and was reported.

The pension duty bill went through a committee, received a verbal amendment, and was ordered to be reported next day.

Earl Camden presented an account of the military force of the country at home and abroad on the 1st of Jan. 1805.

SPANISH PAPERS.

Earl Spencer said, that in the absence of his noble friend (*Lord Grenville*), who, he was sorry to say, was so much indisposed as to be unable to attend the house, it fell to his lot to put the motions of which the noble lord had given notice, and the tendency and nature of which he had the preceding day explained. The first of these was for the production of the result forwarded to government by Mr. Frere, of the information which he intimates in his letter of the 5th of March, 1804, it was his intention to take the first opportunity of requiring from M. Cevallos, relative to the treaty between France and Spain, on finding that the Prince of Peace did not choose to give him any information on that subject, but referred him to M. Cevallos.

After some explanation between Lords Mulgrave and Darnley,

Lord Mulgrave stated that, after every inquiry which it was in his power to make, and after perusing all the papers on the subject which were to be found in the foreign office, he could only say, that the existence of any such communication as that alluded to was altogether unknown to him; nor was he aware that government had ever been in possession of the result of such communication, farther than was to be collected from an allusion to the subject in No. 14 of the second volume of papers before the house.

On this assurance the motion was allowed to drop.

The second motion was for production of two notes from M. Cevallos to Mr. Frere, of date 23d and 24th February, referred to in Don d'Anduaga's letter to Lord Hawkesbury, of 30th March, 1804.

Lord Mulgrave said that no such notes existed, if they could not, as he believed they did, be supposed to apply to two notes of date 23d and 24th January, the former of which was among the papers on the table, and the latter had not been

been produced merely because it entirely regarded another subject, the island of Teneriffe, not now in question.

This explanation being deemed satisfactory, this motion was also withdrawn.

Several other motions followed, for production of answers by Lord Hawkesbury to the letters from Don d'Anduaga, of 9th and 30th March, 1st May, 23d December, 1804;—to all of which it being answered that no such papers existed, or in the nature of the communication were to be expected, the motions were withdrawn.

The next motion was for the production of an account or minute of the communications and explanations made by Don d'Anduaga to Lord Harrowby, as to the preparations making at Ferrol, which the former of those gentlemen represents in his letter, as being such as either were or ought to have been satisfactory on that head.

This motion was agreed to.

The last motion was, for production of the instructions sent by this government to Mr. Frere at Madrid, authorizing his declaration to the Spanish government, that if the condemnation of British prizes in the ports of Spain was not put a stop to, he should consider the refusal as a termination to his mission at Madrid.

Lord Hawkesbury said that, from being himself in the foreign office at the time, he thought he was warranted in stating that no instructions of that kind had ever been sent to Mr. Frere, farther than the general instructions contained in the papers on the table of the house. How far Mr. Frere might have thought that they warranted the declaration alluded to, he could not take upon him to say.

Earl Spencer begged it to be understood, that the declarations made by ministers that night, as to their belief of the non-existence of the papers called for, which had been denied to exist, and the motions for production of which had been withdrawn, should be afterwards taken as evidence that those papers did not exist.

Earl Carlisle remarked that, from what he could understand, it must be held that Mr. Frere had added another to the instructions transmitted to him by government, which should be deemed sufficient to put an end to the peace between the two countries, and that he had thus, of his own accord, and without any instructions to that effect, involved Spain and this country in war.

Lord Hawkesbury replied that he had not given, nor meant to

to give any such opinion, he had only conjectured that such might have been the conclusions drawn by Mr. Frere from the instructions he had received, and from the tenor of the treaty between the two countries, by which it was declared, that British ships should enjoy all the privileges of the most favoured nation. How far Mr. Frere, if he had judged in this manner, had argued logically, he was not at present called on or entitled to judge.

Lord King could not imagine that the words of the instructions, which he read, would warrant any man in drawing from them the result deduced by Mr. Frere.

Earl Darnley said that, on looking back to the answer or explanation given to the first motion, he could not think that it applied. The letter in which Mr. Frere stated his intention of applying for farther explanation is dated the 5th March, and the letter in which it was now alleged that the result of that information might have been communicated, is dated the 3d March, being two days preceding.

Lord Haversbury explained, by saying, that all he meant was, that ministers had no later communication of the subject.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, FEB. 5.

The Hon. Mr. Foley took the oaths and his seat, as member for Droitwich, in the room of Sir E. Winnington, deceased; as also did Lord Proby, as one of the representatives of the town of Buckingham.

The exchequer bills' bill was read a second time, and committed for next day.

The assessed tax commissioners bill was passed through a committee of the whole house; the report was received, and the bill ordered to be read a third time next day.

ARMY.

Mr. Elliott rose for the purpose of procuring some explanation relative to an item in one of the returns lately laid before the house, on the motion of his right hon. friend (Mr. Windham), as to the increase of the regular army. In the return of the numbers obtained by recruiting on the general staff, there were two entries, one of 505, and another of 396 boys; and he wished to be informed, whether the latter were included in the former return?

VOL. I. 1805.

The

The *Secretary at War* replied, that the boys were included in the first number.

Mr. Elliott then inquired, why the letters of service to the recruiting staff had not been laid before the house; in answer to which, the *Secretary at War* observed, that he held in his hand a copy of the letters of service, which not being issued from the war office, he could not refer to as official, but from the impression which he felt at the moment, he was inclined to believe that, as the letters were unusually long, it had been thought better to lay extracts of them before the house, rather than the whole at length. However, if it should be the wish of the honourable member, that the letters should be produced entire, he was not himself aware of any objection thereto.

Mr. Windham agreed with his honourable friend, as to the propriety of having the whole of the letters of service laid before the house.

REPORT OF SUPPLY.

Mr. Alexander brought up the report of the committee of supply. The resolutions were agreed to, without any observation, except on the part of the *Secretary at War*, who explained in detail, by a reference to the estimates of last year, the difference between them and the amount of the estimates of the present year, for the service of the general staff, which he had stated to be but 53,000*l.*, and an honourable member opposite had represented as 130,000*l.* The right honourable secretary shewed, that the difference between the aggregate charge for the staff service for Great Britain and Ireland was but 78,000*l.*, and that the increase on the estimate for Great Britain, separately, in the present year, did not exceed 53,000*l.* at which he had rated it in the committee. A reduction of 120,000*l.* was also made in the estimate for the barrack department, on the motion of the *Secretary at War*.

MUTINY BILL.

The *Secretary at War* moved for leave to bring in a bill for punishing mutiny and desertion, and for the better payment of his majesty's forces in quarters.

On the question being put,

Mr. Francis having missed the opportunity, whilst the resolutions of the committee of supply were under consideration, took the present occasion of applying to the right honourable gentleman for some further information respecting the military establishment in India. When he had made some observations in the committee the preceding day, with respect to the amount

amount of the European force now in India, he was not aware that there was on the table a paper containing the last return of the amount of that force. By this document, it appeared that there was only a deficiency of five thousand in the Indian establishment, including the reinforcements that had been sent out last. But he perceived also in this paper, that exclusive of a detachment of 260 European artillery, there was in the island of Ceylon, a force of 6464 men, and he wished to be informed whether this force was composed of British or native troops.

The *Secretary at War* acquainted the honourable member that 3000 of this number were native troops; and wished him to be aware of one distinction with respect to the military establishment for India. The vote was for 20,000 men; the return contained only 13,500 effective of rank and file, whilst the number voted included the whole establishment, officers, non-commissioned officers, and privates.

The *Secretary at War* also, in reply to a question, whether the European troops in the island of Ceylon were included in the 20,000 men voted for India? replied in the affirmative.—Leave was then given to bring in the bill.

IRISH LOANS IN ENGLAND.

Lord Archibald Hamilton, pursuant to his notice on a former day, submitted to the house certain motions on the subject of the financial situation of Ireland. As he understood from a communication with the right honourable gentleman opposite (Mr. Foster), that no objection would be made to the production of the papers for which he proposed to move, it would not be necessary for him to trespass long on the attention of the house; he should therefore barely state to the house the nature of the motions which it was his intention to propose; first, with respect to the amount of all sums that had been drawn from this country, by way of loans, for the payment of the army in Ireland; and next, for an account of all orders from the lords of the treasury in Ireland on that subject. But, as in all probability he should feel himself hereafter bound to call the attention of the house to that subject, he trusted he should meet with their indulgence in stating briefly his own view of it. The house would recollect, that, in consideration of the extraordinary state of the exchange with Ireland, a committee had been appointed during last session, to inquire into and report upon the causes that had produced it. The committee had occupied much time in the consideration of the subject,

subject, and the only result that had followed was the measure of drawing on England for the amount of the sums borrowed here at par. This he was so far from considering as a step towards the improvement of the state of exchange, or a removal of the grievance complained of, that he considered it only to operate as a bounty to the merchants in whose favour the bills were drawn. He should therefore feel it his duty on some future day to call the attention of the house to the subject, at present confining himself to moving,

1. That there be laid before the house, an account of all sums borrowed in Great Britain for the service of Ireland, together with the interest thereon, and the charges of management, since the year 1797, distinguishing the sums raised in each year.

2. An account of the amount of notes of the bank of Ireland in circulation in the year 1804, distinguishing the quarters, and the notes under the value of 5*l*.

3. An account of the manner in which the loan for Ireland, raised in Great Britain, has been transmitted since August last, distinguishing the dates, the rates of exchange, &c.

4. A statement of the prices, and fluctuation of the prices of stocks in Ireland, from the 1st of January 1798, to the 1st of January 1804, stating the amount of dividends on the 1st of January 1805.

On the question being put on the first motion,

Mr. Foster observed, that the noble lord had done him the honour to communicate to him the substance of the motions which he had just read to the house, to which he could not have any possible objection. But as the noble lord, from the observations he had made, seemed to suppose the lords of the treasury of Ireland to have been actuated by far different motives from those which they felt, he hoped for the permission of the house, to state the motives upon which they had acted. A sum of twelve hundred thousand pounds, or of one million and an half, had remained in England for the service of Ireland, which it was necessary to have transmitted to Ireland. The lords of the treasury applied in the first instance to the bank of Ireland for this purpose, considering them as the most proper body to bring the money over. The bank, however, refused to interfere, from an apprehension, that as many of the directors were engaged in the business of exchange, any act which would have the effect of constituting them arbitrators of exchange, might draw down upon their court of directors, odium and reprobation. Under such circumstances, the

lords of the treasury found themselves under a necessity of resorting to the means of drawing the money, and they had adopted the expedient of bringing it over in bank of England notes, or bank post bills. They fixed the amount of the money to be drawn for, and gave ten days or a fortnight's notice of the time of drawing for it, in order that all the merchants who might have occasion for the accommodation, should have sufficient previous intimation of it. They fixed the rate of exchange also, in order that such as should be disposed to offer, might be made acquainted with the terms. The sum first required was 200,000*l.* and the exchange was $11\frac{1}{2}$, the rate of the exchange at the moment; but only 170,000*l.* were bought. The lords of the treasury, therefore, concluded that they had fixed the exchange at too high a rate, and proposed the next sum, which was also 200,000*l.* at 10 per cent. exchange; but no more of this sum was taken than in the first instance, namely, 170,000*l.* They, therefore, considered that to secure purchasers for the whole sums wanted, the exchange should be still further lowered, and in consequence they reduced it to par. Their motive in so doing, the house would observe, was not to give any bounty to any particular class of merchants, but to carry into effect the provisions of the legislature. Having said thus much in justification of the Irish treasury, he should add, that he had no sort of objection to any of the noble lord's motions.

The motions were then severally put and agreed to.

CHARGE AGAINST SIR H. POPHAM.

Mr. Kinnaird, pursuant to his notice on a former day, rose to move for the production of certain papers, calculated to enable the house to judge of a charge made in a report of the navy board, on the subject of very large sums having been expended in the repairs of the ships *Romney* and *La Sensible*, while under the command of Sir Home Popham, in the Red Sea. On a topic of such importance, he thought it incumbent on him, both consistently with his duty to the house, and in fairness to the honourable and gallant officer whose conduct was implicated, to state a few of the circumstances which induced him to institute an inquiry into the grounds of this charge. He hoped the house would do him the justice to believe that he had not taken up the subject on light grounds, or from hasty conclusions. It was not till the rumours on this business had long met the public ear; it was not till he had for several months seen a publication contain-

ing the most serious charges against the honourable officer, and observed that this publication remained unanswered, that he had felt himself called no longer to postpone the consideration of a subject in which, not only the character of the British navy, but the whole system of economy in the public expenditure were intimately involved. Indeed, it was the less necessary for him to offer any apology on the present occasion, for while he was confident the house would never shew themselves deficient in a desire to uphold the honour of our brave defenders, they would evince a determination not less firm, that no officer, however high his character, or extensive his merits, should be suffered to waste the public money intrusted to his care with unnecessary and ruinous prodigality. The house had shewn a disposition to act on such principles, in the appointment of the commission to inquire into naval abuses, and he trusted, the same ideas would continue to regulate their deliberations. It would, surely, not be disputed that the whole duty of a British officer was not confined to his mere conduct in the hour of battle. He would never forget that he had other, and not less important offices to perform, in watching over the distribution of the national resources committed to his care, and that all accounts were to be passed from the validity of his assurances that no idle or unnecessary expenditure had occurred. Having made these general observations, he proceeded to the immediate subject on which he had risen to address the house. It would be recollected, that about the end of the year 1800, the *Romney* and *La Sensible* were fitted out for the purpose of co-operating in the expedition to Egypt, which took place in the spring of the subsequent year. About May 1803, as nearly as he could recollect, these ships returned to this country. Previous to this period, bills from India had reached the admiralty, to the amount of no less than eighty thousand pounds for the repair of these vessels. The admiralty board were naturally astonished at so enormous a charge, and they accordingly instructed the commissioners of the navy board to examine into all the stores and repairs which these vessels had received, from the time of their departure from England, and to call for the several journals in which accounts of the expenditure had been preserved. On the tone and character of the report made by these commissioners, he had been principally inclined to rest his arguments to the house, for the production of the papers with motions for which he meant to conclude. At the time the *Romney* sailed, she was stated to be

be completely provided with stores of all sorts, for twelve months; yet, as soon as she reached the Cape of Good Hope, which was before the expiration of three months, it was found that fresh supplies of stores were obtained; and, in the course of the months of November and December, other supplies, to the amount of four thousand pounds, were charged to the public. This was surely a very extraordinary charge, but it was one contained in the report of the commissioners of the navy board, and, consequently, worthy of the utmost attention. The next point to which he wished to direct the attention of the house, was the comparative statement of the journal of the captain, and the several other journals, of the expenditure which had come under the inspection of the commissioners. On this part of the subject it was impossible for him to go into any technical details; but it would be sufficient to refer generally to the tone and temper of the report, the language of which clearly imported that the journals were both irregular and in many instances contradictory. In the report it was distinctly stated, that articles for the use of the Romney and La Sensible had been purchased at a most enormous rate, and that other articles, on the contrary, had not been accounted for in a satisfactory manner, or rather had been disposed of at less than the 20th part of their real value. Among the charges was one for a fifty-hundred anchor, purchased in the room of one which had been lost in the Indian seas. Here, however, a remarkable circumstance occurred, that when the inquiry was instituted at Sheerness as to the state of the Romney, it appeared that when she sailed from England she had the identical anchor which was found on board after her return. While this was mentioned, it did not at all appear that the other anchor, in room of which the fifty-hundred anchor was purchased, had ever been lost, or if it was lost, that it had ever been recovered. In addition to this he had to add, that in the report, charges for stores are taken notice of to the amount of four or five thousand pounds, of the necessity for which no other account is given than what was derived from the high character of the officer under whose command the vessels were at the time the charges were supposed to have been incurred. It was asserted that the Romney, when she left England, was fully provided for twelve months with all requisite stores: but after the most minute inquiries, the commissioners had found, that in a very short time after her sailing she had received repairs, and that nearly nine thousand pounds had been charged for these

these repairs. Surely in this there was very little of the appearance of economy, and it was fit, at such a period as the present, that the business should be fully investigated. The commissioners had stated the charges to be enormous, and it was proper that the grounds of their decision should be ascertained. With respect to the charges on the repairs of the other vessel, the same opinion as to extravagance was delivered, and the same necessity for full investigation existed. Whether the hon. officer at the time the supposed repairs were made, was under the orders of Admiral Rainier, or whether, as he had heard it insinuated, he had an independent command, he confessed himself unable to decide. If he was under the orders of Admiral Rainier, it certainly must be allowed to have been a most extraordinary circumstance, that the superior officer had not been consulted on a step which was one of very great consequence, and necessarily attended with vast expence. The step to which he alluded was the changing of the *La Sensible* into a thirty-two gun frigate. The hon. officer might have had grounds for this alteration, but it could not be pretended that he had communicated his reasons to the admiral on the East India station. On the contrary it appeared that a month previous to the arrival of the ship at Calcutta, the cordage, rigging, and other articles necessary to form the alteration, had been ordered and were in a state of preparation. Thus, it appeared that the hon. officer had taken the whole responsibility of the business on himself, and it was proper that the grounds on which he proceeded should be explained. It was asserted that before the *La Sensible* had been altered, her situation had been fully examined, but what he had just stated respecting the orders for stores completely refuted this idea. There were other accounts of transactions in the Red Sea which were not a little curious. The hon. officer seemed to have found, contrary to general opinion, every thing quite as convenient for the repair of ships as if he had actually been in the heart of the river, and in the vicinity of our arsenals. It was proper that the public should understand the whole of these transactions, which were necessary to complete the view of the subject. Connected with this part of the question, he should also take the liberty of moving for certain letters from Marquis Wellesley relative to the expenditure of the vessels under the command of the hon. officer while in the Indian seas. Before he sat down, he wished to say a few words as to the mode of investigation which he had thought it his duty to

to propose. It might be asked, whether this was the only possible mode of investigating the subject; whether there was not another tribunal, before which the merits of the question might not be more satisfactorily decided? It might be urged that this was a matter which the board of admiralty were much more competent to try than an assembly composed as that was which he had the honour to address. To this his answer was plain and satisfactory. He had heard, on authority which appeared to him highly respectable, that the late board of admiralty had designed to institute a criminal prosecution against the hon. officer. The change of administration which took place, however, prevented them from carrying their views into effect, and there was no prospect of the present board of admiralty following up the resolution of their predecessors. When he saw the hon. officer not only invested with an important command, but apparently high in the confidence of his majesty's ministers, he thought it was not at all unnatural to suppose, that no sort of proceeding respecting the hon. officer's conduct was in contemplation. It might be said again, that this subject would, with much more propriety, have been submitted to the consideration of the commission appointed to inquire into naval abuses. For his part, he should have felt pride and satisfaction in having the merits of the question tried before that board. Never, he believed, did any men, invested with great powers, discharge their duty to the house and the public with more zeal and more fidelity. But as it was understood that this board had it not in their power to take cognizance of the business, he had felt it his duty to submit it to the consideration of the highest tribunal in the country. On these grounds he hoped he should receive full credit for the purity of his motives. He wished for the sake of the hon. officer, not less than of the public, that the matter should be satisfactorily explained. If what was stated in the report to which he had so often alluded should turn out to be unfounded, he should sincerely rejoice at it, and he was sure the hon. officer would be happy to have an opportunity of vindicating his conduct. After a few more observations, the hon. gentleman concluded by moving—

For a copy of the statement of the repairs of the *Romney* in 1800.

A copy of the report of the commissioners of the navy board, respecting the repairs of the *Romney* and *La Sensible*, while under the command of Sir Home Popham, presented in February 1804.

A copy of all the accounts of Mr. Spearman, the officer who superintended the purchase of stores for those ships in the Red Sea, and any report of the navy board on the subject. And

Copies of all letters from Marquis Wellesley to the court of directors respecting the same business.

Sir Home Popham, though he had not the smallest objection to the motion of the hon. member, yet trusted he should meet the indulgence of the house for a few minutes, whilst he read some extracts of letters to and from the late first lord of the admiralty, and to the late admiralty, on the subject to which the motions of the hon. gentleman referred. He should not follow the hon. gentleman through the whole detail of matter which he had drawn from an anonymous publication, though he could not help complimenting him on the fidelity of his memory, in tracing the charges through such a length of time and number of dates. So far was he himself from objecting to the production of any paper that could serve to throw a light on the subject, that he should, with the permission of the house, submit some motions for further papers, with a view to that end, as soon as the present motions should be disposed of, and he had no doubt that the hon. gentleman would have a different opinion on the question, from what he seemed at present to have formed on an *ex parte* statement, when the papers should be laid on the table. He could not here omit replying to the observation of the hon. gentleman, with respect to the circumstance of the pamphlet to which he had alluded, and from which he appeared to have derived all his information, having remained hitherto unanswered, that that anonymous publication would have been long since answered, if the press had not been somewhat alarmed, so that he could not get a printer to print his answer. That impediment had since been removed, and the answer was ready for publication, which had been deferred in consequence of the motion of the hon. gentleman. With the permission of the house, and if the hon. gentleman should have no objection, he proposed to read certain extracts from letters contained therein. These, he confessed, were not in an official form before the house, but he proposed to move, in the course of the evening, for all such in an official form, as would be necessary to give the house a clear view of the whole of the subject. The hon. baronet then proceeded to read extracts from several letters from the printed copy of his reply, some of which we shall subjoin to his speech. The first was from a letter from

from himself to Lord St. Vincent, dated July 2, 1803, in which he repeated a pressing solicitation for an interview with his lordship, in order to obviate the calumnies with which his character was traduced (A). The second, an extract from Lord St. Vincent's answer, dated July 3, in which his lordship states, that the admiralty had directed the navy board to inquire into, and report upon the conduct of Sir Home Popham; and that a copy of the report, when made, should be given to him, accompanied with the observations of the admiralty thereon. The third, an extract from a letter to Lord St. Vincent, dated July 5, in which Sir H. Popham states his wish to accelerate the report on his conduct, and solicits to be examined personally before the navy and victualling boards, in order to obviate difficulties, and remove embarrassments in the prosecution of the inquiry (B). The fourth, dated July 25, extract from a letter to Lord St. Vincent, stating Sir Home Popham's object in addressing his lordship to arise from an innate desire to have his conduct fully investigated, and pointing out to his lordship's attention the report made on the state of the ship Romney, and the conduct of Sir Home Popham at Chatham, after an inquiry held there on his return from India, and an examination of all his officers, touching the different charges made against him, which report had been highly favourable to the hon. baronet. Fifth, an extract of a letter to Sir Evan Nepean, secretary to the admiralty, dated 26th July 1803, renewing his application to be personally examined before the different boards, in order to accelerate the report on his conduct (C). To this note no answer whatever had been returned. The next was an extract of a letter to the navy board, in which he renews his solicitation to be instrumental in accelerating the report on his conduct, and appeals to the report made at Chatham in proof that no repairs had been made on the Romney but what had been necessary. The honourable baronet then explained what had passed at Calcutta, in the repairs of the different vessels under his command, none of which had been adverted to by the honourable gentleman except the Romney, nor by the anonymous publication from which he had taken all his information. Here he could not omit to notice, that the anonymous publication had made no slight impression on certain gallant officers in the navy. In proof of this, the hon. baronet read an affidavit that had been voluntarily made by a gentleman, who had been out with him as 3d, then as 2d lieutenant, and had afterwards been made commander by Lord

St. Vincent. The person he adverted to was J. Mason, esq. commander of his Majesty's ship *Rattler*; and as that gentleman was indebted wholly for his promotion to Lord St. Vincent, his voluntary and unsolicited testimony would have some weight with the house. The affidavit had been made before the mayor of Portsmouth on the 24th of June 1804, subsequent to the appearance of the pamphlet, but before the notice of the hon. gentleman's motion (D). The hon. baronet then observed, that it was not unworthy of remark, that if the late admiralty had had it in contemplation to institute a criminal prosecution against him, he had been in England thirteen months, whilst they still continued in office, without their taking any steps therein, though the report upon which so much stress was laid, had been in their possession from February till May, when they went out of office. As the observations of the hon. gentleman seemed to have made some impression on the house, he had trusted to its indulgence thus far, to which he should only add, that the late admiralty had sufficient time to have consulted the crown lawyers; they might, if they had chosen, have brought him to a court-martial, and it would appear from the passages the hon. member had quoted from the report, that they would have cut off the hydra's head if they had it in their power. The hon. baronet concluded by assuring the hon. member, that when the papers he called for should be produced, he would alter the opinion he had already formed on an *ex parte* case, and expressed a sincere wish that there might not be a single dissentient voice in the house on the motions of the hon. gentleman.

The following are some of the extracts, &c. read by Sir Home Popham in the course of his speech.

(A) "In making another effort for the honour of an interview with your lordship, I trust I shall not be accused of pressing improperly a claim that is highly increased by the peculiarity of my situation. The most unfounded aspersions have been circulated, with such an extraordinary degree of success, that they now amount almost to an impeachment, removable only by an appeal to your lordship, whose protection I have considered it my right to look up to on this occasion."

(B) "As the acceleration of every report on my conduct is an object I sincerely wish, I presume to submit to your lordship's consideration, and I press on your feelings to allow it, that I should be called on by the separate boards to attend in person their committees of investigation; by
"which

"which I may be enabled to explain many circumstances, that when led into references would occasion considerable delay.

"I have no view in offering this mode of procedure to your lordship's consideration, but that of obviating difficulties and removing embarrassments, of which I feel I have had so much reason to complain."

(C) "I last night had the honour to receive Lord St. Vincent's answer to my letter of the 4th inst. directing me to apply to their lordships through you, respecting any steps which I might be desirous of having pursued with regard to the subject mentioned in that note; and as the acceleration of every report on my conduct is an object I sincerely wish; I request you will move their lordships to direct the commissioners of the navy and victualling boards to take any accounts which can be considered as relating to me into immediate investigation; and to call for my personal attendance whenever it may be thought I can forward an object which cannot receive too early an examination."

(D) *Capt. Mason's Affidavit.* "Having heard that an anonymous pamphlet is published, containing aspersions on the character of Sir Home Popham; I think it due to the public as well as to him, to endeavour to prevent their being deceived by any misrepresentations. I therefore voluntarily swear, that I believe Sir Home Popham to be incapable of having acted improperly with respect to the stores, or suffering it in others. That I went out in the Romney with him as fourth lieutenant, became third, then second, and was made commander, and came home a passenger with him. During which time I never knew of, or observed any undue expenditure, or waste of stores; and that I think it could not have taken place, because his conduct to all descriptions of officers as well as to the ship's company, was that of a strict disciplinarian, determined to adhere to whatever he deemed for the good of the service; because I believe him to possess a mind incapable of any thing unbecoming the character of an officer of strict honour and integrity, who knew how to make authority respected without the least appearance of oppression. That with respect to the circumstance of a cable being cut while in Bengal river, I recollect it perfectly, and that it was by the pilot's request, as the only chance we had, blowing very fresh, of carrying water enough over a bank we had to cross going up to Diamond Harbour. That in the S. W. monsoon, during part of which we were
" at

“ at Bengal, owing to the rapid tides and the bore, the loss
 “ of anchors is very general with all ships. I also swear that
 “ I believe the country boats hired to carry the sick to Cal-
 “ cutta, &c. were perfectly necessary in that climate; and that
 “ the launch built at Calcutta, was the sole occasion of our
 “ saving the lives of four hundred soldiers and officers wrecked
 “ in a transport going down the Red Sea. That Sir H. Pop-
 “ ham paid the greatest attention to the sick, as a proof of
 “ which, we had not one scorbutic and only one liver case,
 “ although admiral Blanket’s squadron sent a great proportion
 “ of their crews to our hospital ship with scurvy, &c. That
 “ the conduct of Sir H. Popham was at all times and on all
 “ occasions that of an able, active, and zealous officer, and a
 “ man of strict integrity, ready to sacrifice himself for the
 “ good of his country, whose honour he supported on every
 “ occasion; and that I believe his system of order and disci-
 “ pline better calculated to make his ship efficient than any I
 “ ever met with.”

“ J. MASON, Commander of his
 majesty’s sloop *Rattler*.

Borough of Portsmouth, sworn this 24th June 1804, before
 JOHN CARTER, Mayor.”

On the question being again put,

Admiral Markham rose to offer a few remarks in explanation of the conduct of the late board of admiralty. It was true that the enormous charges for the ships under the command of the honourable officer had excited the attention of the board, and orders had been given to the commissioners of the navy to investigate the business; they had investigated the business, and they had given in a report, which was the same as they had published in the pamphlet alluded to. The honourable officer had been furnished with a copy of the report, at least orders had been given to furnish him with a copy as soon as it was received. In consequence of this report, the board of admiralty had at first some intention of proceeding against the honourable officer by way of indictment: but as it appeared doubtful how far a charge so preferred could be maintained, this course was not pursued. It was next resolved to proceed against him in the court of exchequer, but the change of administration prevented this plan from being carried into effect. The honourable officer had asked, why so great a delay had taken place in taking any steps against him, if the board of admiralty were convinced of the irregularity of his conduct? The answer to this was, that the board were anxious to have fuller accounts of the transactions in the Red Sea, and had issued

and orders for collecting further information on that subject. They had also instructed the navy and victualling boards to communicate the result of these inquiries as the ground of any future proceedings. It remained for those who now composed the board, to inform the house whether such reports had been received, and what steps were in contemplation in the business. Before he sat down, he would only add, that it would afford him the highest satisfaction, if the honourable officer, on a full investigation, should be able to clear his conduct from every aspersion, and fully establish its rectitude.

Mr. Dickinson, jun. (one of the lords of the admiralty) stated, that he was not prepared to inform the honourable gentleman whether the report alluded to had been received. He should, however, inquire into the business and communicate the result. He touched on the concluding words of the report, so often alluded to, and maintained that such language was altogether unaccountable. When such an admission was made by the commissioners themselves, it was pretty clear that both sides of the question had not been impartially examined. He had for the last two or three days applied himself closely to the subject; and though he wished not to anticipate the decision, he was happy to state that the conduct of the honourable officer, when fully considered, would be found to have been totally free from all ground of censure. As to the present board of admiralty not having proceeded against the honourable officer by a court-martial, he had a very short but satisfactory reply: previous to their coming into power, the period limited by act of parliament for that purpose was expired. They had submitted it to the board of naval inquiry, who had declared it not to fall within the province assigned to them by the legislature. He was glad that it would now be fully, and he trusted impartially, discussed.

The *Chancellor of the Exchequer* lamented that so much discussion had taken place on the subject. As the hon. officer was anxious for the production of all possible information, it would, perhaps, have been better, if opprobrious epithets which could not be substantiated by fact, had been avoided by the honourable gentleman who opened the business. On such a subject as this, he trusted the house would come to the discussion without any of those prejudices which such aggravating representations were calculated to produce. He concluded by animadverting on the concluding sentence in the report of the commissioners of the navy board, which afforded no evidence of the existence of any thing like full or satisfactory investigation.

Mr. Fox did not mean to go into any discussion on the present occasion. He could not, however, admit that the right honourable gentleman who had just sat down was entitled to blame the honourable gentleman for the manner in which he had introduced the subject. The honourable member had introduced no observations but such as were strictly connected with the object he had in view. His object was to persuade the house of the propriety of having the papers produced; and was it not for that purpose necessary to employ some arguments? When papers were called for, was it not always previously required that a case should be made out to the house? But the right honourable gentleman had said that there was no necessity for argument, because the honourable officer did not oppose the production of the papers. He felt himself called upon to protest against such doctrine. It was not parliamentary, and he trusted it would never be admitted by the house. It was not fit that the house should hear of the production of papers merely because it happened to suit the inclination of the parties. He had himself seen the relations of parties voting for papers, while those with whom they were politically connected opposed their production. He deprecated all partiality and prejudice. On the subject of the report, of which so much had been said, he knew nothing; but it was fit the matter should be fully investigated. After this investigation, if the honourable officer was able to clear his conduct, he was sure it would afford sincere pleasure to every member of the house.

Mr. Kinnaird contended that the mode of proceeding adopted by the commissioners of the navy board was not without precedents. A similar plan was pursued with respect to *Sir R. King* and *Sir A. Mitchel*; a similar process was also thought of respecting the executors of *Captain Cocke*; of the *La Forte*, though it was never carried into practice.

The *Chancellor of the Exchequer* and *Sir Home Popham* deprecated all allusions calculated to reflect on the merit of a brave officer who had lost his life in the service of his country.

Mr. Kinnaird disclaimed any such idea, but declared that he would not be schooled into delicacy of expression by any member of the house.

The motions were then put and carried without a division.

Sir Home Popham then rose, and stated, that wishing nothing to be withheld, he felt it his duty to move to have laid before the house, all his correspondence with the board of admiralty and the navy board. He accordingly referred to the
greater

greater part of their letters, in all of which he expressed the strongest desire for a full investigation of his conduct. He complained severely of the reluctance of the navy board to give him up the papers necessary for completing his defence, even after he had received assurances from the secretary of the admiralty that orders for that purpose had been specially delivered. He had been informed in April that the papers were nearly ready for delivery. He had made repeated applications, till August, when he was given to understand that the papers were lost. Thus, after waiting four or five months, he had been scandalously tantalized and disappointed. He inveighed with great severity on such unfair and illiberal treatment. He complained severely of the circulation of the report to which he had so often referred, among the officers under his immediate command, and at a time when he was employed on a service to which the public looked with considerable anxiety. While he could not procure a single document, these reports were carefully sent down by post, to sow dissension among those under his command, though in this their malignant designs were frustrated. The hon. officer, after dwelling a little on these topics, moved for the whole of the correspondence which passed betwixt him and the two boards on the charges made against him.

Mr. Fox declared that, had it not been for what had fallen from the hon. officer opposite him, (Sir Home Popham,) he should not have said a single word more upon the subject. That hon. officer had said that the board adopted a particular mode of proceeding because they thought that it would be agreeable to the admiralty. On the 9th of April, he said, he had been promised to be furnished with the papers he required. That board was only three weeks longer in existence; it was therefore impossible that he could have been supplied by them with a copy of the papers in August, the time to which he had alluded. As to the idea of officers being ready to meet inquiry, or, in fact, being anxious for it, it had been seen, in that house, that when such persons, or the nearest relatives of them, had supported, or voted for the inquiry, there were other persons (members of his majesty's government) who openly resisted the investigation, and the necessary papers were not produced. A right hon. gentleman, who professed himself, at that time, to be as anxious as any other member of the house to promote the inquiry, had since come into office; and, from the superiority of information which his situation afforded, he should have expected that the

right hon. gentleman would have brought the subject again before parliament. He, however, had not thought fit so to do. It was therefore not to be wondered at that a new board of admiralty did not wish to follow up the measures of their predecessors in a similar instance.

The *Chancellor of the Exchequer* observed, that although ministers may be complained of while in being as such, it is not usual to pursue the charges made against them any further after they have ceased to hold their official situation. From what he recollected of what happened at another time; from the opinion which he then entertained, and from that which had been held out by others, he should have supposed that the hon. gentleman would have been the last to have advanced such an opinion as he now did. He entertained the highest respect for the noble lord to whom the hon. gentleman had alluded, both as an officer and a gentleman; but this he would maintain, that every thing which he had asserted on a former occasion, with respect to his official situation, had been since confirmed.

Mr. Fox—The right hon. gentleman evidently alluded to the history of a very distant period. Young minds are in general susceptible of the most strong and lasting impression; I should have therefore expected, that the statement of the right hon. gentleman would have been more correct when he referred to the opinion which he or I then held, or those which were maintained by others.

The *Chancellor of the Exchequer*—Let that be judged of by the world, who know the transaction.

After a few other observations, Sir A. S. Hammond observed, that the papers which had been sent from the navy and victualling offices to the admiralty happened to be original documents. The commissioners of the admiralty, supposing that they were copies, had sent them to the board of naval inquiry. They were afterwards sent for from the above offices to have copies made out from them, which was the occasion of the delay which had been alluded to.

The question was then put from the chair, and carried unanimously.

SPANISH PAPERS.

The *Chancellor of the Exchequer* informed the house that some of the papers which had been moved for relative to the discussion with Spain were mere memorandums, not signed by any person, and therefore could not be deemed official. They,

They, however, should be presented to the house, he hoped the next day. He then moved to postpone the discussion on that subject to Friday.—Ordered.

Mr. Grey moved for the production of accounts received from Admiral Duckworth of the sale of French prizes in the Spanish ports. He had heard of a proclamation issued by the government of Cuba, prohibiting the sale of such prizes in future, and he had been informed that the vessels had been taken out of the harbour, in consequence of such order, and burned, to prevent their falling into the hands of the enemy. The hon. member also moved for copies of the instructions which had been sent to Admiral Duckworth in the month of March 1804, and subsequent to that period, as to the conduct which he was to pursue to all neutral vessels, particularly those of Spain.

The motions were severally agreed to.

MIDDLESEX ELECTION, 1802.

On the motion of Lord Marsham, the order of the house for hearing the charge against Robert Albion Cox, Esq. and Sir William Rawlins, Knt. and also that they should be heard by counsel at the bar, was read.

The *Chancellor of the Exchequer* recapitulated some of his former arguments against the hearing of evidence at the bar. It had been the uniform practice of the house, up to the time of the passing of the Grenville act, to take the report of their committee into consideration without having any further evidence before them. It would now most certainly be a waste of time to adopt a different mode of proceeding. If the witnesses said the same at the bar of the house that they had sworn before the committee, there was nothing gained; and, if they should happen to give a contrary statement of what fell within their knowledge, would the house be inclined to believe their unattested assertion in contradiction to their oath; could the house possibly receive the lighter in opposition to the graver testimony? He concluded with moving that the present order be discharged.

Mr. Fox felt it impossible to concur in the grounds stated for the proposition of the right honourable gentleman, and equally impossible to accede to the *res integra* of the proceedings he recommended. A great deal of additional difficulty appeared to him to be thrown in the way of such concurrence by this consideration, that the house had already made an order that the parties accused should be heard at the bar. This

order had been announced to those parties, in consequence of which they were in attendance, and prepared, no doubt, to produce further evidence, perhaps of some persons who were out of the way, or were not known when the case was under the investigation of the committee. By such farther examination of evidence the parties might expect to be able to lay before the house a more favourable view of their cause. After such an order, and such probable preparation in consequence, it appeared to him that it would be highly unjust to make a new order at the present moment. It would be, in fact, to say to the parties, "Although we have made an order that you should be heard at the bar to-day; although you may have taken great trouble to collect evidence to throw new light upon your case, and to repel the charges against you, yet we have changed our mind, and you cannot be heard—we mean to re-consider the subject." Such would be the language of the house to the accused, should the proposition of the right honourable gentleman be adopted. The practice referred to by the right honourable gentleman, which prevailed before the enactment of the Grenville bill, was not, he contended, analogous to the case under consideration, or to any case under that bill; for, in the former instance, it was to be recollected, that the committees upon election petitions were, though nominally select committees, accessible to all the members of the house, and therefore every member might attend to examine and cross-examine the evidence. Of course, the report of such committees must be different in the estimation of the house, from those of the committees under the Grenville act, which consisted but of a few members. In the one case all the members of the house were competent to attend and investigate any part of the subject, while in the other only a few select persons were permitted to do so. This difference he the more dwelt on, in order to shew, that from the change which had taken place in the jurisdiction upon election cases, the course formerly pursued was not fairly applicable at present. The right hon. gentleman had endeavoured to support his proposition by resorting to the popular argument, which, in his opinion, could make no impression upon any candid rational man—namely, that because the witnesses would not be on oath at the bar, although they were so before the committee, that therefore we should have no examination of evidence whatever before the house. The question for consideration was not whether the committee was more competent to investigate a charge against individuals, and to ascertain their guilt or innocence.

nocence. Perhaps the court of King's Bench was still more competent to such investigation. But that was not the point before the house. The question was this, whether, when executing the office of a criminal judicature, the house would act according to its own constitution, or to the principles of equity, if it proceeded to pronounce judgment without any examination of evidence as to the nature of the case upon which it was called on to judge? In declaring a negative to this question, he had little doubt of being supported by a full consideration of the practice of the house, and by the opinion of dispassionate men. The Grenville act, whatever other persons might think of it, or however it might be considered in other respects, had created an anomaly in the constitution of that house. By the course followed antecedent to that act, the whole matter of the election, as well with respect to the seat as to the conduct of the returning officers, and all collateral points, were referred to the committee; and the ultimate decision upon all these points still remained with the house, the report of the committee serving to guide its judgment. But, under the new arrangement, did the house commit to the committee the whole matter of the case? No; that committee was the *dernier resort* as to the seat only. Upon that their decision was, according to a legislative act, final and conclusive. But the seat was the only thing upon which the report of such committee was unalterable. As to any special report which it was authorized to make relative to the conduct of the returning officers, the house retained the full power which, according to precedent, was uniformly exercised, to proceed upon such special report in the way which it was the object of the right hon. gentleman's motion to reverse. The Grenville act made as clear a distinction between the power vested in the committee, as to the decision of the seat, and that relative to a special report, as words could express. In the one case their power was absolute, in the other it belonged to them only to report that there were other circumstances connected with the election which required the interference of the house. Considering the report before the house in that view, he could not admit that it should have any other influence than that of calling attention to the proceedings of the accused, but by no means that of forming the ground for their conviction or punishment. All the precedents since the Grenville act upon similar cases justified this opinion. But the right hon. gentleman who proposed another course, thought proper entirely to overlook those precedents, and to look to the conduct formerly

merly pursued under circumstances which he contended were not at all analogous. If the report of a committee under the new jurisdiction were to be binding on the house to adopt, in what a dilemma would the house be placed, suppose that an election committee on the Shoreham case, or on that of Nottingham, had, in addition to the other particulars in their report, resolved that the right of election ought to be thrown open, that the electors should be increased? Would not the admission of such an authority, in the report of a committee, as he had alluded to, be, in effect, to delegate to such committee the legislative power of the house? Yet, such an inference would naturally follow from the argument used by the right hon. gentleman. If, then, that argument, or the proposition that followed, could not be sustained by reason, the constitution of the house, or precedent, he thought that justice would urge the adoption of such line of proceeding as might be most favourable to the interest of the accused, and that, obviously, was to allow them to bring forward any further evidence that it might be in their power to produce for their exculpation. Any different course would, he was quite persuaded, be felt as inconsistent with the ends of substantial justice, as it would be with the spirit of our law. That law uniformly said, that a man accused of any offence should be fully heard before sentence should be pronounced, and that law very properly allowed, that if any circumstances could be discovered to alter the nature of the charge, and to establish the innocence of the accused up to the moment before the time fixed for the infliction of punishment, the sentence should be reversed. Here, however, it was proposed to deviate entirely from that laudable and salutary mode of proceeding. Since the investigation of this case before the committee, circumstances had occurred, which, without meaning any reflection whatever on the judgment, principles, or character of the gentlemen who composed that committee, would, he was persuaded, prevent them at the present day from pronouncing as a jury that verdict which appeared in the report on the table. Was it not then fair to allow these circumstances to be laid before the house by evidence at the bar? It would be unjust towards the house, and it would be cruel towards the parties accused to exclude such evidence. If a criminal were convicted of the most heinous offence, that power in whom the right of pardon is constitutionally vested would not hesitate, even the moment before the appointed execution of sentence, to remit that sentence and pardon the accused, should any facts arise to
prove

prove his innocence. This example should be attended to in the case under consideration, and should urge the house to afford the accused every opportunity of exculpation before it attempted to pronounce judgment. This was not only the opinion which he entertained, but that which was sanctioned by all former proceedings in similar cases. In the *Shorcham* case, which the noble lord chose as the precedent to follow, with one exception only, in this instance, he recollected some debate, and a division also, the result of which was, a determination opposed only by a very small minority, that those accused should be heard fully by evidence, and by counsel at the bar. Such was the mode that justice, law, and precedent suggested to the house on the present occasion, and he felt the character of the house, and of public equity, to be so much concerned, that he could not help resisting the introduction of a different practice. The evidence which appeared in the report might have been taken in a loose way, or it might be imperfect, and a farther examination at the bar might elucidate many important facts. This was not at all impossible, notwithstanding the close scrutiny said to have taken place before the committee, and the known accuracy of the counsel employed, whose ability no man more highly respected than he did, and upon even the possibility of such elucidation, he would have the parties allowed a farther hearing. Those parties, he had heard it intimated, were willing to acquiesce in the refusal of any farther examination of evidence; of this he knew nothing positively, but even if it were so, it would effect no change in the opinion he entertained. However, if upon appearing at the bar they admitted the evidence as it stood in the report, their admission must of course be received; but in no other way could he notice that admission, because it was not more his object to render perfect justice to the accused in this instance, than to guard against the establishment of a precedent that was likely to lead to great injustice towards others. The honourable member concluded with observing, that under all the circumstances of the case, particularly after having appointed a hearing at the bar on that day, and ordered the attendance of the parties accordingly, it would be one of the harshest proceedings imaginable to reverse that order now, and strike into a new and opposite course.

The *Attorney General* declared, that he saw no force in the arguments used by the honourable gentleman in opposition to the motion of his right honourable friend, and still less in the observations, which the honourable gentleman applied to the
reversal

reversal of the order and course of proceeding at the present moment. It could not be complained that the parties were taken unawares, as when the business had been postponed on a former day, his right hon. friend distinctly stated, that the ground of that postponement was to afford gentlemen an opportunity of considering the expediency of a deviation from the precedent of the Shoreham case, of the nature of that which was now proposed. That the course proposed by his right hon. friend was strictly according to the uniform practice which prevailed previous to the Grenville act, was not attempted to be denied; and the question for the house to consider in the present instance, and also for future cases, was this, whether it would be more agreeable to justice and expediency to follow the former course, or that which had obtained since the enactment of the Grenville law? For the former he certainly was an advocate, and his surprise was that any deviation from it had ever taken place; the more particularly as the Grenville act prescribed nothing on the subject. As to the objection urged by his right honourable friend against the examination of evidence at the bar, who not being on oath might differ from the allegations made before the committee, the hon. gentleman, in order, no doubt, to depreciate that objection, had thought proper to style it "a popular argument," and certainly the maxim of *vox populi, vox Dei*, was never more applicable than to an argument of such irresistible force. But although this argument was so forcible, he would not go so far as to say that the farther hearing of evidence at the bar, should be resisted if such resistance should appear to be injurious to the cause of justice, or unfair towards the individuals concerned in the case before the house. There was no pretence, however, for saying that such could be the consequence; on the contrary, it was as fair to argue that the examination of evidence not on oath at the bar, might be injurious to the accused as otherwise. Witnesses might go beyond their former statements, and might aggravate the case against the accused. Therefore in any view the further hearing demanded by the hon. gentleman appeared to him quite inadmissible.—He observed upon the hon. gentleman's allusion to analogy and reasoning as hostile to the course proposed by his right hon. friend, he had omitted to state a precedent to sustain his statement on the score of analogy. Those precedents indeed which he had it in his power to state, were very few compared to the practice that prevailed so long before the existence of the Grenville act. The hon. gentleman

man had argued that it would be iniquitous, and contrary to any precedent of law, to pronounce sentence without hearing evidence upon the case to which such sentence applied; but the hon. gentleman must forget that such was the frequent practice in the court of King's Bench, where sentence was pronounced upon cases where not one of the four judges had ever heard the evidence, nor had any other knowledge of it than that which they derived from the notes of the judge who presided at the trial; which notes, by the way, were not so much, at least not more entitled to confidence than the minutes of the evidence in the report before the house, which were taken by a sworn short-hand writer. It might be said that the judges pronouncing upon the verdict of a jury constituted a material difference, but it was to be observed, that a committee formed in cases of this sort, with relation to the house, a constitutional tribunal tantamount to a jury. On the ground of analogy stated by the hon. gentleman, he was satisfied from what he had mentioned that it was unattainable, and his arguments as to precedent were not less. If a precedent were wrong, the hon. gentleman himself would, he apprehended, be one of the last to maintain that it ought to be followed. That the case of Shoreham was not felt to be unexceptionable, appeared in the debates and proceedings on the Cricklade case, and in the instance of Great Grimsby alone had it been followed. Why, then, should such a practice, if contrary to the old course, which he reasserted was not at all changed by the Grenville act, and still more if contrary to the ends of justice, be suffered to go on? It was pretended, in the case before the house, that another hearing should be granted to the parties, because they might have new light to introduce on the subject. If such a suggestion were attended to it would form an argument for new trials *ad infinitum*. The accused had already been afforded ample opportunities to bring forward any evidence in exculpation they desired; they had the ablest counsel that could be obtained, to cross-examine the evidence against them and to conduct their defence; therefore he saw no ground whatever to induce the house to enter into the case again. In the case of Great Grimsby, where the house ordered evidence to the bar, it appeared that the returning officer was not present before the committee who reported against him. Here then there was ground for the order, which constituted a material difference from the matter now before the house. He submitted that a most anomalous course was recommended to the house by the honourable gentleman,

namely, that it should call evidence to its bar for an *ex parte* examination, for it could be nothing else, as the house must be unable to cross-examine the witnesses, having no particular knowledge of the transactions to which their evidence was meant to apply, and not being furnished with those suggestions for cross-examination which the counsel on both sides could have had before the committee. The right hon. gentleman, considering that the house had the same relation to the committees under the new jurisdiction that it had to the committees under the old, and that the course proposed by his right hon. friend was preferable for many reasons, at the same time that it did not bind the house by any means servilely to adopt the resolutions of the committee, unless they were found to be fully justified by the evidence, stated that he should give his support to the motion before the house.

Mr. Fox, in explanation, insisted that his statement was misrepresented by the learned gentleman, and that, upon that misrepresentation, a great part of his argument was grounded. He did not say that there was no precedent in law for pronouncing sentence without hearing the evidence; but that to pronounce guilt without hearing the evidence of the case, was unprecedented—and in that assertion he was not apprehensive of contradiction from the learned gentleman or any other lawyer.

Mr. Sheridan agreed entirely with his hon. friend (Mr. Fox), whose arguments had been so strong that he did not think it at all necessary to reply to the observations that had been made by the learned gentleman on the other side. There was a principle, however, laid down by the learned gentleman, that if the returning officer should not happen to be present at the committee who might report against his conduct, there would then be ground for hearing such evidence at the bar as such officer might feel it necessary to bring forward for his exculpation. If so, then the course proposed by that learned gentleman's right hon. friend was inadmissible. For it always would be necessary to establish a preliminary inquiry, according to the learned gentleman's principle, to ascertain whether the returning officer was present at the committee before the house proceeded to pronounce judgment upon him; and in point of strict justice, this inquiry should also go to this point, whether the returning officer was present throughout, or whether his defence was perfected before the committee had made their report. In the case before the house, he could say that the defence of the accused was not perfected,

perfected, because the counsel for the accused did not conceive it necessary to sum up, and remark upon the evidence; such was that learned gentleman's reliance on the strength of his clients. To supply that omission was one reason why it was the wish of the accused to be heard at the bar, and he could state that those gentlemen would feel themselves hardly treated, if they were refused that hearing. It did appear that the case of the accused was but partially and collaterally taken up, and imperfectly heard before the committee, and they were therefore strongly entitled, from common equity, to be further heard before the house decided on their case. If the house proceeded to a discussion in the way proposed, it would be as well to pronounce judgment upon the accused, from the resolutions of the committee at once, without any review of the evidence, as such review would be superfluous.

Lord Marsham observed, that the counsel for the accused not having summed up and remarked on the evidence before the committee, was no fault of the committee. The noble lord thought the parties ought to be allowed to supply that omission by hearing their counsel at the bar.

In some farther conversation between Mr. Fox, the Chancellor of the Exchequer, and the Attorney General, it was understood to be the intention of the Chancellor of the Exchequer to oppose the hearing of counsel upon the question as to the guilt or innocence of the accused; but that right hon. gentleman observed, that upon the question as to the measure of punishment, it was competent to any member to propose the calling in of counsel.

Mr. Hawkins Browne supported the motion. In adverting to what had fallen from an hon. gentleman opposite (*Mr. Sheridan*) he said that if the sheriffs had not been fully heard in the committee it was owing to their counsel, for he understood that it had been a matter agreed between the counsel of both sides, that if the one forbore to criminate the sheriff, the other would be less urgent in their defence. To this cause he therefore attributed the counsel's not summing up the evidence in favour of the sheriffs, which the hon. gentleman had alluded to.

Mr. J. Fitzgerald stated, that the parliament of Ireland had adopted the Grenville act. But they had also gone farther and adopted it with an amendment. There appeared here to be no particular law in regard to the returning officer, but the parliament of Ireland had provided by express act for cases of the kind now before the house. When the conduct of the

returning officer, was made the subject of investigation, care was taken he should receive due notice of it, and be accordingly prepared for his defence. This notice the committee was bound to give him before they could institute any proceedings against him. But according to the Grenville act the committee were under no necessity of deciding on the conduct of the returning officer; this duty therefore became more particularly the province of the house. A good deal had been said of the analogy of the present case with the proceedings usual in courts of law. This analogy had been denied by a learned gentleman opposite, who had referred them to the practice of the court of King's Bench. He had only to remind him, however, that it was very usual in such courts, after verdict had been given, to receive affidavits from the parties. There was such a thing as moving for a new trial and an arrest of judgment in those courts, which might be considered as proceedings somewhat analogous to the present question. The hon. gentleman concluded with professing himself adverse to the motion.

The *Chancellor of the Exchequer* begged leave to put the hon. gentleman right in regard to the duty of the committee. The gentleman had said that the committee was not bound to judge of the returning officer, that question not being before it in virtue of the Grenville act; but had the hon. gentleman had recourse to the votes of the house, he would have found that the petition of Mr. Mainwaring complained of the conduct of the sheriffs expressly, and that this petition, with the complaint, was referred to the committee. The conduct of the sheriffs, therefore, became the direct subject of the committee's investigation.

The question being then called for, the gallery was cleared, and strangers were ordered to withdraw; but no division took place, nor were we again admitted into the gallery.—We learned, however, that Mr. Pitt's motion was acceded to, and the order discharged accordingly. On the next question, whether the house should agree to the first resolution of the committee, a long conversation took place, in which, we understand, the Chancellor of the Exchequer and Mr. Fox had a very considerable share. At length the debate on the first resolution of the committee was postponed till that day week.

Adjourned at half past nine.

HOUSE

HOUSE OF LORDS.

WEDNESDAY, FEBRUARY 6.

The malt duty and pension duty bills were read a third time, and sent to the Commons.

A message was afterwards received from the Commons, stating that they had agreed to the Lords' amendment in the pension duty bill.

Lord Mulgrave presented the copies of the papers relative to the rupture with Spain, which were the preceding day ordered to be produced.—Ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, FEBRUARY 6.

A person from the Bank of England presented certain accounts from the commissioners for the reduction of the national debt, which were ordered to lie on the table.

Mr. Fuller moved, that there be laid before the house an account of the quantity of hops grown in the county of Sussex, from the year 1789 to the end of the year 1804, distinguishing the quantity of each year, and the amount of the tax on the same.—Ordered.

A message from the Lords informed the house of their lordships' concurrence in the malt duty bill without any amendment, and of their concurrence with the pension, &c. duties bill, with an amendment, to which they desired the concurrence of the house.

Mr. Wilberforce gave notice, that it was his intention to submit to the house, on Friday se'nnight, a motion for the abolition of the slave trade.

On the motion of Mr. Lascelles, that the house take into its consideration the message of the Lords, relative to the pension duty bill,

The amendment made by their lordships was read by the clerk, and was merely of a verbal nature.

The *Speaker* stated, that he thought it his duty to call the attention of the house to that strict jealousy with which they had always watched over their privileges. It had been the uniform practice of the house, when any amendment made by the Lords affected the substance of a money bill, not to consent to it by any means; but if the error was merely of a clerical nature, it was usual to admit the amendment. However trifling this matter might appear, it must always be of the

the utmost importance to the house, as it was hard to say, were such a matter once overlooked, where it might stop.

After some observations from Sir W. Young, the amendment was read a second time, and the bill ordered to the Lords, the Speaker having assured the house that he would take care that a special entry of the same should be made.

The Secretary at War presented a copy of Colonel French's letters of service, moved for on a former day by Mr. Windham.

On the motion of Mr. Huskisson, the assessed tax commissioners bill was read a third time, and ordered to the Lords.

The three millions exchequer bills' bill went through a committee, and was ordered to be reported next day.

On the motion of Mr. Rose, it was ordered that the house go into a committee the next day on the act of the 44th of the present King, chap. 23.

LOYALTY LOAN.

The *Chancellor of the Exchequer* said, that on consideration he thought it more advisable, instead of bringing on this business at present as had been his intention, to refer it to the consideration of a committee of the whole house the next day: he would, however, avail himself of the present opportunity to state a few of the circumstances attending it to the house. Out of 22 millions, the whole amount of the loyalty loan, subscribers to above 13 millions had agreed to accept of the terms offered to them by the act of the last session of parliament. Other subscribers to the amount of about 4 millions and a half, had expressed their wish to be paid off. To satisfy these gentlemen he intended to propose allowing them the difference between what they held and the three per cents. and to allow them a bonus of $1\frac{1}{2}$ per cent. After a few more observations, the *Chancellor of the Exchequer* moved, that the house should the next day resolve itself into a committee of the whole house, to take into consideration the act of last session respecting the loyalty loan.—Agreed to.

PUBLIC FORCE.

Mr. W. Pole, in consequence of some errors and omissions in the accounts on the table, from the adjutant-general's office, with respect to the artillery, thought it necessary to move for a fuller and more perfect account of that description of our force. The hon. gentleman therefore moved for a
return

return of the number of efficient men recruited for the use of the artillery, from the 1st of January 1804, to the 1st of January 1805, distinguishing those recruited since the 1st of June last, whether gunners, drivers, artificers, or labourers. The three last descriptions of persons, he observed, were as much subject to the mutiny bill, as necessary and useful, and as much liable to be called on for general service, as the gunners. It was of course right that the house, in proceeding to estimate the amount of our force, should be made acquainted with their number. The motion was agreed to, as was the following—"that an account should be laid before the house, of the total number of efficient men belonging to the artillery, in the united kingdom, and in the islands of Guernsey and Jersey, whether gunners, drivers, artificers, or labourers, &c. on the 1st of January 1804, and also on the 1st of January 1805." A similar account was ordered of the artillery, &c. on all our foreign stations, as far as the last returns received could enable the same to be made out.

Ordered, on the motion of Mr. Windham, that a return should be laid before the house of the number and rank of the commissioned and non-commissioned officers, attached to the office of the inspector-general of the recruiting service; or employed under his orders, together with the expense attending the same, in the years 1802, 1803, and 1804.

The Chancellor of the Exchequer laid on the table some farther papers respecting the negotiation with Spain,* copies of which the right hon. gentleman stated were ready to be distributed to the members.

Lord Temple expressed a hope that as this formed the fourth parcel of papers on this subject, and as they were so voluminous as to require much time for examination and comparison, the right hon. gentleman would have no objection to postpone the discussion until Monday. If the right hon. gentleman consented to this necessary delay, the noble lord mentioned that his right hon. friend (Mr. Windham) whose motion stood for that day, was willing to give way, and postpone his motion to some future day.

The *Chancellor of the Exchequer* said that, although it would afford him more satisfaction to have this important matter discussed on Friday, yet with the view stated by the noble lord, he should agree to postpone it till Monday next, fully persuaded that the more the papers on the table were ex-

* See Part IV. of the SPANISH PAPERS.

mined,

mined, the more the proceedings of his majesty's government were likely to meet the unanimous approbation of that house and the country. He wished, however, to be understood, that as it was highly desirable to have the sense of the house expressed as soon as possible upon this subject, the postponement to Monday would be final.

After some conversation between Mr. Windham, Mr. Pitt, Mr. William Smith, and a few observations from the Speaker, it was agreed that the motion of Mr. Windham should stand for Thursday, the right hon. gentleman, however, observing, that he would prefer Friday, should Mr. Wilberforce, who had given notice of a motion for that day, assent to postpone it farther.—Adjourned.

HOUSE OF LORDS.

THURSDAY, FEBRUARY 7.

The royal assent was given by commission to the insolvent debtors' explanation act, the malt duty and pension duty acts, and to a naturalization act. The commissioners were, the Lord Chancellor, Earl Spencer, and Lord Walsingham.

Earl Spencer moved that, on account of Lord Grenville's indisposition, the consideration of the Spanish papers should be postponed from the next to some future day.

Lord Mulgrave had no objection, as the noble lord had shewn so much interest on the subject, and as, from the situation he had formerly held in the country, his opinion must be entitled to some weight, that the business should be delayed to some early day, when it might be in his power to attend. After some conversation on this point his lordship moved, that the order do stand for Monday next, which was agreed to; Earl Darnley having also agreed, on these terms, to postpone his motion.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, FEBRUARY 7.

Mr. Quarme, deputy usher of the black rod, acquainted the Speaker that the presence of this honourable house was requested in the House of Peers. The right hon. the Speaker, accompanied by several members, accordingly proceeded to the upper house. On his return the Speaker informed the house that they had heard the royal assent given by commission to the malt duty bill, the pensions and personal estates

estates duties bill, and the insolvent debtors' act amendment bill.

Mr. Johnson, from the office of the chief secretary of state for Ireland, presented, pursuant to order, copies of letters which had been sent from the chief secretary to the boards of customs and excise relative to the better collection of duties in those departments in future.—Ordered to be printed, and to lie on the table.

A person from the London Dock Company presented at the bar an account of the receipts and disbursements of the London Dock Company, from the 1st of June 18c3, to the 30th of November 18c4, together with the report of the London Dock Directors relative to the progress of their works.—Ordered to lie on the table.

Mr. Huskisson, in the absence of his right hon. friend (Sir Evan Nepean), gave notice, that the next day a motion would be made for leave to bring in a bill for the suspension of the habeas corpus act, for a time to be limited, in Ireland.

ABOLITION OF THE SLAVE TRADE.

Mr. Wilberforce having learned that a conversation had taken place the preceding night on the subject of altering notices already fixed for motions on particular days, wished it to be understood, that he did not wish to interfere with questions so intimately connected with the public interest, as that of his right hon. friend (Mr. Windham). As the sense of parliament had been sufficiently declared last session on the question to which his motion referred, and there was no likelihood that any protracted discussion could take place on it, he had no objection to give up Friday to his right hon. friend, provided he should be allowed to bring forward his motion on Thursday.

A conversation of some length ensued, in which Mr. Windham stated the motives that had induced the delay of his motion, which were by no means personal to himself, nor had arisen from any wish on his part, but purely from a spirit of accommodation to the gentlemen on the other side of the house, and insisted, that though a priority in point of urgency was due to the consideration of the Spanish papers, two days were not a sufficient time for gentlemen to transfer their consideration from one important subject to another, for which reason, he thought it not unreasonable to propose, if any arrangement could be made, which he feared was impossible in the absence of the right hon. gentleman (the

Vol. I. 1805. S Chancellor

Chancellor of the Exchequer), that his motion should be fixed for Monday se'nnight, and the budget for some subsequent day.

Lord Castlereagh could not, in the absence of his right hon. friend (the Chancellor of the Exchequer), take upon him to decide what might be the motives either to bring forward or defer a question of such magnitude to the interests of the country as the ways and means of the year, but submitted to his hon. friend (Mr. Wilberforce), whether he would not be satisfied to waive his right to Friday, under an understanding that if any public grounds should arise for deferring the budget from Monday, his motion should be brought forward on that day, or if the Chancellor of the Exchequer should bring forward the ways and means of the year on that day, his hon. friend's motion might come on the next following open day.

Mr. Windham, Mr. Wilberforce, and Lord Castlereagh, severally renewed their observations on the subject, but the conversation closed without any alteration having been made in the order of the motions, Mr. Windham's standing for Thursday, and Mr. Wilberforce's for Friday.

Mr. W. Pole presented the artillery returns which he moved for the preceding day.—Ordered to lie on the table, and to be printed.

Mr. Locker presented a copy of the commission of the commissioners for the affairs of the navy.—Ordered to lie on the table.

LOYALTY LOAN.

Mr. Huskisson moved the order of the day for a committee of the whole house on the loyalty loan act.

The house having resolved into the committee,

Mr. Huskisson informed the committee, that as his right hon. friend (the Chancellor of the Exchequer) had the preceding day stated to the house the plan he proposed to follow with respect to this object, it would be unnecessary for him to take up the time of the committee. He should therefore content himself barely with moving the resolutions. The first resolution provided, that such of those holders of loyalty loan as had given notice on or previous to October 10, 1804, that they wished to be paid off on the 5th of April 1805, should, by giving notice to that effect previous to the 10th of March 1805, be entitled on the 5th of April for every 100l. debenture, to such a proportion of the five per cents. as should be equal to 100l. sterling, with a bonus of one and a half

half per cent. on every 100l. sterling, or such a proportion of the three per cents. as should be equal to 100l. sterling, with a bonus of one quarter per cent. which bonus, in the former case, would amount to 14. 9s. per 100l. sterling, and in the latter to 17s. per 100l. the price of the respective funds to be struck by the directors of the bank of England, on an average of the ten days of sale preceding the 10th of March 1805. The second gave powers to the lords of the treasury to contract for a loan to the amount of that part of the loyalty loan which might not be subscribed under the foregoing terms.

The resolutions were agreed to, after a few observations from Mr. Thornton, and Mr. Huskisson; and on the house being resumed, the report was ordered to be received the next day.

Mr. Wilberforce moved, that there be laid before the house copies of any correspondence that had taken place between his majesty's secretaries of state, and the governors or other civil authorities of the colonies, since the 13th February 1804.—Ordered.

The 3,000,000l. exchequer bills' bill, was reported.—Ordered to be read a third time next day.

The letters of service to Col. French for his levy were, on the motion of Mr. Elliott, ordered to be printed.

The house, on the motion of Mr. Huskisson, went into a committee on the act of the 44th of his majesty, relative to the Greenland fishery. In the committee, Mr. Huskisson stated, that the object of his motion was only to obtain leave to renew a bill for allowing vessels in the Greenland trade to complete their complement of men in certain ports. The resolutions were agreed to, and the house being resumed, Mr. Alexander obtained leave to bring in the bill.—Adjourned.

HOUSE OF LORDS.

FRIDAY, FEBRUARY 8.

Lords Landaff and Hereford were sworn and took their seats.

Counsel were heard relative to the appeal cause, *Glover v. Glover*. Judgment postponed till Monday.

The bills upon the table were forwarded.

The further proceedings in the committee of privileges on the claim to the Rous peerage were postponed from Tuesday to Thursday next.—Adjourned till Monday.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 8.

Mr. Higham, from the office of the commissioners for the reduction of the national debt, presented the annual account of these commissioners for the last year.

Sir W. Young rose to submit to the house several motions respecting the West India trade. His hon. friend had given notice of his intended motion for the abolition of the slave trade. With this important question the hon. baronet thought the interests of the West India trade were closely connected. Previous, therefore, to the discussion of that question it was his wish to have certain accounts submitted to the house that would shew the state of our trade with the West Indies; and what we had either to hope or fear from a measure that would affect them so nearly. He should have been glad if any other hon. member more conversant in the subject than he was had anticipated him in the propositions he was going to submit; but rather than not have the advantage of the information it was his intention to move for, he had taken the duty on himself; and as the discussion of his hon. friend's motion was fixed for so early a day, he had for the same reason brought forward his propositions without the formality of any previous notice.—The hon. baronet then moved, that there be laid before the house an account of the quantity of raw sugar imported into this country from the West Indies, and of the quantity of refined sugars exported from this country, with the duties and drawbacks on the same, for the last three years, up to 5th of January 1805.

That there be laid before the house an account of the quantity of rum imported to this country and exported from it, with the duties and drawbacks thereon, for the same period.

That there be laid before the house an account of the quantity of British manufactures exported from this country to the British settlements in the West Indies, from the 5th of January 1804, to the 5th of January 1805.

As also an account of the British ships that have been employed in the import and export to and from the British West India plantations for the same period.—Ordered.

The mutiny bill was presented, read a first time, and ordered to be read a second time on Monday.

The Secretary at War gave notice, that in consequence of an application that had been made to him, it was his intention

to

to move in the committee, for the amendment of a clause introduced into the bill a few years ago relative to the carriage on canals. This clause was at first intended to permit the carriage of baggage toll free, in removing troops from one place to another. It was, however, in some instances construed to warrant the free passage of ordnance stores, which would be a great oppression, and it would be the object of his amendment to remedy this error.

Mr. Rose brought in the bill for enabling the Greenland whalers to complete their crews. Read a first time, and ordered to be read a second time on Monday.

The exchequer bills' bill was read a third time and passed.

Mr. Alexander reported from the committee on the loyalty loan. Leave was given to bring in a bill conformably to the resolutions.

JUDGE JOHNSON.

Mr. James Fitzgerald, in consequence of the determination of the Court of King's Bench in Ireland, on the construction of the act passed in the last session, for the more easy trial of offenders escaping from one part of the united kingdom to another, in which determination the construction had been established by the opinion of two judges against that of one; in consequence also of the great agitation that had arisen in Ireland on this determination, and assured of the concurrence of the gentlemen of the Irish bar, who, if they did not concur with him, would have abandoned all that independence of judgment, and all those sound principles of law and reason of which they had ever been so honourably tenacious, felt it his duty to call the attention of the house to the provisions of the act in question, which so flagrantly called for amendment in the point he alluded to. He should have felt it his duty to give notice of a particular motion on this head, if he did not think the amendment would come better from the quarter in which the act had originated. He trusted the honourable and learned author of the act would offer such amendment as would be best calculated to preserve the spirit of the act, and at the same time to remove every thing that could give rise to such unjust construction.

The *Attorney General* had no difficulty in allowing that the act required amendment in some points; at the same time he doubted whether the amendments he thought it required, were the same that were wished for by the hon. gentleman,
for

for he knew of no amendments that were rendered necessary by the proceedings in that court, nor did he think it right in the present state of those proceedings to prejudice the discussion of the case now before the courts, by a parliamentary declaration of the sense of the house upon the construction of the act.

Mr. Fitzgerald said, that according to his view of the justice of the case, the person taken up should be at liberty to give bail where the arrest took place, for his appearance where the offence was committed. It could never have been the intention of the framer of the act, that a person arrested in Ireland for a bailable offence committed in England, should be brought to the place where the offence was committed, without being allowed to give bail; or that a person arrested in England for an offence committed in Ireland, should be conveyed to that country, without availing himself of the legal mode of liberation till the time of trial.

The *Attorney General*, in explanation, agreed perfectly, that the evil complained of by the learned gentleman had never been in his contemplation. The provisions of the act of last session had been copied from the act of 13th Geo. III. between England and Scotland, in which the defect had not been noticed until the occurrence now alluded to had discovered it in both.

ARRESTS FOR TREASON IN IRELAND.

Mr. Fitzgerald proposed to move for an account of all persons imprisoned in Ireland on treasonable charges, together with the causes of their arrests, their means of subsistence while in prison, and how and when such of them as had been liberated were discharged. In answer to Sir Evan Nepean, who expressed a difficulty of stating particularly the grounds of commitment lest it should lead to a discovery of the channels through which government had its information, *Mr. Fitzgerald* said, he wished merely to know generally the ground stated in the commitment, for the purpose of ascertaining how the government of Ireland had executed the act, the renewal of which was to be that night moved for; whether it deserved the character of moderation that was claimed for it by some, or the imputation of severity that was cast on it by others, an elucidation which the right hon. baronet ought to wish for as much as he.

The motion being cleared of some superfluous words by the suggestion of the Chancellor of the Exchequer, so as to comprehend

comprehend only persons committed for state offences, under the act for the suspension of the habeas corpus, the general cause of their commitment; together with the time of their discharge, Mr. Fitzgerald gave notice that he would put the question on it on Monday.

Mr. Windham, as the budget could not be postponed, gave notice that he would bring forward his motion on the state of the army, on Thursday se'nnight. He said the delay now proposed was the only one that had arisen from him of the various delays this motion had undergone, in consequence of the priority of the discussion of the affairs with Spain. He hoped it would not be put off further.

The *Chancellor of the Exchequer* would have been extremely happy to postpone the budget, if it were not desirable that it should be brought forward with very little delay, which could not be if it were put off from Monday, the succeeding Wednesday being the fast day. He took this occasion of suggesting the propriety of putting off the discussion of the question relating to the Middlesex election, which stood for Tuesday, as it would be inconvenient to discuss it on that night, after the probable late sitting of the night preceding.

The order fixing the discussion of the Middlesex election for Tuesday was discharged, and a new order made for Thursday.

The Secretary at War, in answer to a question from Mr. Windham, stated, that the 300 boys mentioned in one of the recruiting accounts presented last week, were part of the 500 which the particular levy amounted to.

Sir John Anderson presented a petition from the house of Chalmers and Cowie, praying to be indemnified for a loss amounting to 35,000*l.* on a quantity of herrings purchased by them in Sweden, for the relief of the people here, in the scarcity in 1800, and detained in Sweden, by the embargo; in consequence of the dispute with the northern powers.

The Chancellor of the Exchequer gave the recommendation of the crown to bring the merits of the case before the house, without pledging himself to support the application. The petition was referred to a committee.

SUSPENSION OF THE HABEAS CORPUS ACT IN IRELAND.

Sir Evan Nepean, pursuant to notice, moved for leave to bring in a bill for the farther continuance of the act of 43*d* Geo. III. for the suspension of the habeas corpus act in Ireland. The continuation was rendered necessary by the ex-
tence

truce of disaffection, in a considerable degree, in Ireland; by the avowed determination of the enemy to invade that country, and the preparations notoriously made for that invasion; by the fact of the collection and association of a number of Irishmen with the forces designed for that purpose, and the actual sitting of a committee of united Irishmen at Paris, corresponding with the united Irishmen in Ireland, and stimulating them to treason. The act now in force was to expire in six weeks after the commencement of the present session. He would, according to precedent, move for leave to bring in a bill to continue it further, till six weeks after the commencement of the next session.

Sir John Newport did expect that in rising to move for the continuation of the suspension of the habeas corpus act, the hon. baronet would have laid some ground for such a measure. If the existence of committees of united Irishmen at Paris, or of persons calling themselves such, were to be a justifiable cause for an act of parliament like this, we would have to look for the continuance of the suspension of the habeas corpus act throughout the whole duration of war; for if the existence, or pretended existence, of committees of united Irishmen at Paris was sufficient to drive us to the relinquishment of our dearest rights, would not the enemy have a continued interest in collecting such committees, or pretending that they were collected, if it were only for the purpose of exciting jealousy among, and depriving the people of the most invaluable part of their liberties, and depriving the crown of the attachment and support of a great part of the people? He did not deny that some degree of disaffection may exist in Ireland; possibly sufficient to warrant this application: but he did say, that there was no evidence of that disaffection before the house, and of course there was no good ground for this application. It was necessary to prove to the people of Ireland, and to establish in their minds, that the imperial parliament would not causelessly invade its rights; that the same care would be taken not to deprive it of the constitutional defences of its liberties as would be bestowed on England itself. The grounds on which the house would consent to sanction such a privation ought to be great indeed. He would say, that with respect to Ireland or North Britain, they ought even to be greater than those with respect to England, and the granting such extraordinary powers in these parts of the empire ought to be more narrowly looked to; for great powers exercised at a great distance, were more liable

liable to be abused, than where they were under the immediate inspection and control of parliament. Instances had already been laid before the house of such powers being stretched, when the exercise of them was remote from examination. He therefore thought the house should not grant such powers where there was no ground laid. Nay, even the ground which was laid by the movers of the proposition was adverse to it; for when he looked back to the extraordinary circumstances with which the motion was introduced, he could not help thinking that it was matter of doubt with the hon. gentlemen themselves, whether the suspension should be renewed. First, above a week since notice had been given of the intention to move for the renewal. Two days after, this notice was expressly abandoned. He asked why was the proposition of renewal first brought forward? having been brought forward, why was it abandoned? having been abandoned, why was it brought forward again? He asked whether a measure of this kind, which was to be justified only by unavoidable necessity, which was hostile and dangerous to the vital principles of the constitution, should, without sufficient cause, be put upon a country, the greater part of whose people were as well affected to the government as the English themselves. He conceived that this justification of so harsh a measure was particularly due to the people of Ulster, who were very remarkable for loyalty and attachment to the British constitution and British connection; but who were at the same time a strong-minded people, not likely to be satisfied with a measure of this nature, unless sufficient cause for it were shewn to them. He should therefore conclude with moving, as an amendment to the motion, the omission of the latter part of it, from the word 'that,' for the purpose of inserting these words "that a committee, consisting of twenty-one members, be formed by ballot, to examine such documents as may be laid before them, and to report to the house their opinion upon these documents, whether the continuance of the suspension of the habeas corpus act be a measure necessary to the tranquillity of Ireland, at the present time."

Mr. Denis Brerone agreed, that the greater part of the people of Ireland were as loyal as the people of this country; but the circumstances in which Ireland stood at present were distinct from those of any former time. It was not alone the machinations of committees of united Irishmen sitting at Paris, that were to be apprehended and guarded against, but multitudes of them distributed along the whole coast of the

French empire, prepared for invasion, communicating with the disaffected at home, and sending emissaries before them to excite preparations, discontent, and insurrection among the people. Under these circumstances, it was prudent and necessary to continue the suspension, and not to endanger the constitution by exposing it with unguarded confidence, to the attacks of those who would take shelter behind it for the purpose of destroying it. It was well known, that hired emissaries from France had come to Ireland, with the treasonable designs of exciting disaffection, and conveying information. His great object in supporting the measure now proposed was to prevent these wretches from prosecuting their infamous purposes.

Col. Hutchinson deplored the necessity which he supposed the government felt of proposing so very strong a measure, without a full and previous explanation of the grounds on which it was demanded. If the necessity was shewn, he was sure no person would differ from them in a moment like the present. He would not, however, refuse his assent because the necessity was not shewn. He wished to call the attention of ministers to the full consideration of the state of Ireland, as he had repeatedly endeavoured to do before. He was, therefore, prepared to give them the most ample support they could desire; that there might exist no disturbance nor apprehension of distraction to prevent their looking into the whole state and system of the country, with a view to that general amelioration which was so much required. It was in the hope and with the design that no local troubles, no partial disaffection should call off the attention of parliament, or of his majesty's cabinet, from the consideration that Ireland at large demanded and deserved of it, that he supported this measure, which was particularly necessary in a war like the present. He lamented again that it was not advisable to state the grounds on which the renewal of the suspension was asked, as they must be secrets of state, and when he acceded to the measure, he hoped and trusted his majesty's ministers would turn their serious attention to the state of Ireland at large.

Sir John Stewart lamented that melancholy experience afforded ample proof of the necessity of the measure. He was himself the representative of a county as sincerely attached as any in Ireland to Britain, and the British constitution, yet it was not altogether. This measure was called for by the loyal part of the people for their security and protection against the

the machinations of the disaffected. It was not now prudent or desirable to go through all the circumstances which rendered such a measure necessary, in a country just freed from one rebellion which had succeeded to another, and in which this bill would be the principal support of the loyal and well affected. It was also satisfactory to have an assurance from experience, that the powers it gave would not be abused. He knew the nobleman at the head of the Irish government, and had opportunities of seeing that he inherited from his illustrious ancestors, a zealous attachment to the constitution. He had, in fact, conducted himself in such a manner throughout the whole course of his government, that there was not a man in the country who had not the fullest confidence that he would not abuse any power intrusted to him. With respect to grounds to be laid by government from the information that had reached it, he had to say, that while he was in office in Ireland (as attorney general), information had been given by persons connected with the disaffected; and that the exposing to public view the channels through which this information had been obtained, would have the effect to deprive government of the sources of future discoveries, and to expose the persons who had made the communication to the knife of the assassin. The numbers confined at present were but few; and from the knowledge he himself had of some of them, they were justly detained. If an investigation could with prudence be granted, he had no doubt it would establish the necessity for the support and defence of the loyal.

Mr. Windham rose to offer a few observations upon the motion, which it was impossible for him to let pass without comment. The hon. baronet had shewn no necessity whatsoever for a proposition which could not possibly be acceded to without some reasonable ground. He had himself supported the suspension of the habeas corpus act on former occasions; but he had never supported it without strong reason. The house had more than once voted such a suspension, but never without strong and clear grounds fairly proved or notoriously existing. He should be sorry it would vote it without such grounds. Now it seemed as if it was to pass as a matter of course, as a land and malt bill, to be voted every session without one word being said upon it. It was extraordinary too, that the arguments offered in support of the measure bore most strongly against it. The first was in fact the very worst that could be thought of. For if the existence of an Irish committee in Paris, or the government here being credulous

dulous enough to believe that such a committee existed, was on all occasions to be sufficient grounds for suspending the habeas corpus, the suspension would continue, as the hon. baronet very justly said, constantly during the war, and even perhaps in the time of peace; and the bare existence of such a committee may be made a ground of a similar suspension in every part of the empire. The question was not, however, what mischief such committees or those connected with them intended, but what they could produce. It was not what disaffection they wished or designed to raise in Ireland, but whether their means of disturbing that country were such, that the suspension of the habeas corpus was necessary to prevent them. Was the constitution to be stopped, and set going in this manner, as if by a pedal? When it was asked what this extraordinary power was called for, it was answered, not that there were disturbances in Ireland; not that it was necessary the better to repel invasion; but that there were committees of united Irishmen sitting at Paris, and that there were mischievous people in Ireland. But the question was not, what either of these descriptions of persons wished to do, but what the others could do with them. None of those who spoke for the motion would give up the point of the general loyalty of the people: all contended that the great mass of the people was loyal, but that there were some mischievous persons; and there were here in England. But he would ask, whether the mischief that may be produced by these committees on these materials in Ireland, was such as to render it necessary to deprive all Ireland of the habeas corpus; the suspension of which may be followed with other measures of a still more odious nature? And the only reason why this broad and unqualified power should be given was, that from the character of the person to whom it was to be entrusted, it was not likely to be abused. In a free country such as this was, and he hoped always would be, the introduction of arbitrary power ought to be guarded against with the strictest jealousy; vast and extraordinary powers ought not to be delegated merely because some mischievous persons were taken up, and the persons to whom the power was to be entrusted for the present, were of a mild and moderate disposition. If the government was to be armed with extraordinary powers, which it was fit it should when the country wished it for its own security, it was necessary the danger should be of such an extent as to impress on every man's mind the propriety of giving such powers. It should not be said, that no ground should be stated, lest there may

may be danger of discovering the sources from which the information was derived. The ground which would justify the putting the country under martial law, could not be of such a secret nature; the extent and magnitude of it must be such as to render it generally known. However, if any objection of this kind could be made with any propriety, it was obviated by the mode of inquiry which was proposed by the hon. baronet, Sir J. Newport. He recollected also that an hon. friend of his, if he would allow him to call him so (Mr: Dillon), in moving the address to his majesty drew a very flattering picture of the tranquillity of Ireland. Was it not extraordinary, that without any thing having happened since to do away the effect of this picture, without any explanation to render the colouring of it less strong, the representative of the Irish government suddenly started up, and without assigning any reason, proposed to suspend the British constitution in Ireland? He agreed with the hon. baronet (Sir J. Newport), that we ought to be most tender in granting extraordinary powers with respect to Ireland and Scotland, not only as all power exercised at a distance from controul and inspection, was more liable to be abused; but also because there was an obligation of honour and consciousness to be delicate in granting powers, the weight of which would fall exclusively on others, while they could not touch ourselves. The declarations of one or two gentlemen, however respectable, were not a ground on which the house ought to be satisfied of the necessity of a measure of this nature. A larger justification ought to be given for depriving of so large a portion of its constitution a people which had confided its legislature and its liberties to us, a confidence which deserved a care and gratitude very foreign to such monstrous proceedings as this.

The *Chancellor of the Exchequer* was desirous in every thing that concerned Ireland to give way to the gentlemen connected with that country: but he differed entirely from the hon. gentleman opposite (Mr. Windham), who contended, that in no possible case could the House of Commons agree to the suspension of the habeas corpus, without a specific examination of the grounds on which the suspension was to take place. If that were not the principle he meant to establish, a great part of his argument was of no avail; if it was, it was one in which during the last war he had frequently concurred with him in departing from. The hon. gentleman did not now contend that the renewal was not right, but that it ought not to be granted without examination. The honourable gentleman said,

no

no statement had been made, that nothing had been offered to satisfy the minds of gentlemen of the necessity of the measure. It was a mischief that often arose where the statement was short because it was simple, that no statement was supposed to have been made; where there were no proofs adduced because the facts were obvious, where no information was laid because public notoriety rendered all information superfluous. The circumstances in which we were placed supplied proof and information in abundance to the mind of every man. We were at war with a power which aimed at the destruction of the whole British empire; but first, and particularly, to inflict a deadly wound through that part of the empire which it was its grand object to sever, and then to convert into an instrument to sink and destroy the remainder of the fabric. The first step towards this enormous project of destruction was to be the invasion, the plan and materials of which were prepared and carried on unremittingly, and now acted on with more industry than ever; and had not our fleets prevented them, their armies would have attempted before now to carry their designs into execution. This, with the systematic collection and incorporation of all who had fled their country for their treasons; its being publicly declared and made known, that their collection was connected with these designs; the avowed intention of carrying on a correspondence through these agents, and the melancholy recollection of the repeated insurrections that had taken place in Ireland; were all these matters of such light impression that no measure should be taken on them without precise and particular inquiry? A contrary system had been acted on in the last war with the hearty concurrence and support of the honourable gentleman, and to that system the safety and existence of Great Britain, as well as Ireland, were owing. The honourable gentleman asked, if the existence of committees of united Irishmen in Paris were to be made the ground of suspending the habeas corpus, where would the suspension end; for that in war it was likely there would always be such committees. The question went far to answer itself. It was not the bare existence of the committees that was the ground of the suspension, nor the number of the disturbers, who were few, speaking comparatively with the general loyalty, but not absolutely few; but the great point was, that these were working and communicating, and that their co-operation could not be too strictly watched and guarded against in a war like this. He allowed, however, that in all wars like that in which we were at present engaged, where

where the same materials may be brought to bear on us at home and abroad, the same premises would lead to the same conclusion, and he would not be so unmanly as to deny that the same necessity would probably suggest the same measures. The misfortunes of the times rendered this course necessary, and sad experience proved it was the only safe one. The honourable gentleman should therefore excuse him for acting on the same principles on which he had formerly acted with him, and by which the country had been preserved. But if any thing surprised him more than another in the honourable gentleman's speech, it was the extraordinary mistatement of what had been said of the state of Ireland. The honourable gentleman who made this motion, and those who supported it, were assailed with the same weapon, the same clumsy dilemma with which the honourable gentleman had been formerly attacked when he thought with him, and which he had foiled with so much ease. It was said, the greater part of the country was well affected; if the greater part of the country was well affected, the disaffection would be of no avail; if any other state of the country was held forth, it was a libel on the loyalty of the whole people. This was the same argument, if it could be so called, with which the hon. gentleman had been himself assailed, and which he had so easily baffled.—There was certainly reason to hope that the disaffected would by this time have had their eyes opened; that those who had been carried off by unconstitutional frenzy would have been cured of their madness; that seeing the fruits the French revolution had produced, they would have got enough of that liberty which had yielded only such baleful produce; that if any from the impulse of religion were prompted to seek a change in the establishment, it was not possible for any catholic to listen to any suggestion from France on that head; after the mockery the French had made of all religion, and particularly after the late transaction in which the Catholic religion had been impiously compelled to consecrate and sanction a power established by the hand that had profaned it. It was to be hoped from all the worse than bondage which had been introduced by republican fraternity, by the audacity of jacobinism, and the avowed despotism of the present government of France, wherever its influence could reach, that none could be found mad enough to seek alliance pregnant with so much mischief. But was it to be supposed that there was no minority in a part of the empire now indissolubly united, and he hoped never to be separated, which was still weak and wicked enough

to

to cultivate such a connection? Did the hon. gentleman forget what he had said when the disaffected few talked as if they had a majority? He said they were not a majority, but a busy, bold, and clamorous minority, wishing to dictate to the majority; did he not recollect he had argued, that nothing should prevent the pretended minority of Ireland, which was really a majority, from dictating? There was no one principle on which the hon. gentleman acted then that did not apply now. He admitted that Ireland being more distant, was more liable to be the scene of an abuse of great powers, than if these powers were to be exercised nearer home. It was certain, therefore, that if great abuses had prevailed in the exercise of the powers already granted, the house ought to be more cautious of intrusting them at such a distance. But if disaffection existed, and, above all, if it was relied on by the enemy as the means of aiding and facilitating his designs to our destruction, the distance rendered the safety of a distant limb extremely precarious; and its safety ought to be more particularly provided for. The next topic was the hands in which the power was to be placed. It was said the lord lieutenant was a man of the mildest and most humane disposition, and the most upright and constitutional principles, and that he was so nobody could deny. It was said, however, that this was no argument, unless the necessity of granting the suspension were made out. He agreed it was not; but if the necessity was established, it was a satisfaction that the power would not be abused, and this argument had been urged. The hon. gentleman, when he was on the same side with him, embarked in the same cause for the preservation of the British constitution, and the first foundations of civil society. In the notoriety of the principal facts inquiry was superfluous, and it might be attended with danger. First, as to the information of the secret designs of the enemy, and the links by which a connection was maintained with the disaffected in Ireland, the particular details could not be disclosed without hazarding the destruction of the source of the information. He had every reliance on the gentlemen who composed that house, but where a person was intrusted with a secret by which the lives of others may be brought in question, there was a tendency to conflict between duty and feeling, of the event of which few could be secure. For himself, and for those who acted with him, he proposed relying on broad reason to sheltering himself under an inquiry, which though it would afford more than the proofs required, would be inconsistent, and probably detrimental

detrimental to the public service.—With respect to the notices given of this measure, the first was given early, for a day some time passed, in the hope, that though there was a great deal of prior business before the house, it would all have been gone through in time to allow this to come forward as it was then proposed. The delays this business had experienced had occasioned the delay of this. The impossibility of calculating the precise time when the prior business would have passed the house, was the reason why a day was not fixed after the first postponement; and the reason it was brought forward now again, was because the period of the expiration of the existing act was so near. Having thus endeavoured to explain frankly and plainly the grounds of the measure, and the reason of the proceedings with respect to it, he trusted he had satisfied the house of the propriety of agreeing to the motion, and given a sufficient answer to the arguments of its opponents.

Mr. Windham rose in explanation.—In supporting the honourable baronet's amendment, he by no means intended to assert that he should oppose the original measure, if on inquiry it should be deemed necessary. When he said that the disaffection of a few was immaterial, provided that the majority were loyal, he did not mean to state, that such were the existing circumstances, but merely that if such were the case, the disaffection of the few could not produce many mischievous effects, unless the majority were disaffected.

Mr. Fox—Much as I have been alarmed; and have had to regret the opinions avowed, and the conduct pursued by the ministers of this country for several years back, particularly while headed by the right honourable gentleman who now presides over the administration of his majesty's government, yet I confess that I have never felt an equal degree of alarm to that which the sentiments he has just uttered have excited in my mind. I should hope, sir, that he did not speak seriously. If he did—if he really and deliberately holds such sentiments, I must say that I consider him as maintaining principles the most alarming that I have ever heard promulgated in this house or this country, and such as I could scarcely suppose it possible that any man who imagined the people of England retained any degree of regard for their liberties would venture to declare, or who professed even a respect for the spirit of the British constitution would hear without pain. If the doctrines which the right honourable gentleman has this night avowed, be those upon which he means to act, and

if he should obtain power sufficient to carry them into effect, how melancholy is the prospect for this country! But perhaps the right honourable gentleman meant to use the declarations I have referred to merely as a defence against the arguments of my right honourable friend (Mr. Windham), and not as the indication of a settled opinion. If even so, they were inefficient to the purpose of such defence, and they certainly went much beyond any principles avowed by the right honourable gentleman or any of his colleagues, during the last war; yet they were not inconsistent with those principles. They were different from, though not contrary to the nature of those maxims which dictated that mischievous course of policy towards the people and their privileges; that it was my uniform endeavour to deprecate and prevent. Indeed, the right honourable gentleman himself never attempted to go the length he has hazarded to-night. He never before ventured to maintain that because *some* of the people were bad subjects, the liberty of the whole people should be placed at the discretion of the minister and his agents by the suspension of the habeas corpus act. With this statement he has coupled something which he meant as a reply to the arguments of my right honourable friend (Mr. Windham), and as a charge upon me and those gentlemen who acted with me in resisting the frequent motions for the suspension of the habeas corpus act, which in the course of the last war were carried through this house. The right honourable gentleman stated that my right honourable friend has had recourse, on this occasion, to that which he himself so often baffled before, when used by my friends and me, and which the right honourable gentleman calls a "clumsy dilemma." But I would tell him, and my right honourable friend also, that it was not the dilemma we stated they succeeded in refuting, but it was the clumsy misrepresentation of that dilemma against which they directed their objections. We never did maintain, that, while the majority was loyal, there could be no necessity for a measure similar to that now before the house. We never would have asserted any thing so absurd and clumsy, as that the loyalty of a mere majority formed an argument against the adoption of any measures of precaution against the disaffection of a mere minority. We never even said that the loyalty of a considerable majority would furnish an irresistible objection to such measures. Our reasoning was uniformly grounded upon the degree and nature of the disloyalty alleged to exist, which we did not conceive such as to justify the harsh system of proceeding

ceeding the right honourable gentleman was then pursuing. But it suited the right honourable gentleman's purpose to give another description of our opinions, and against that other and unjust description his arguments were always levelled. —The right hon. gentleman and his colleagues appeared to me, in every instance, to state insufficient grounds to call for the rigorous measures of the last war; but yet almost any grounds they urged at any time were sufficiency itself, compared to those that are laid for the measure now proposed. How is the state of Ireland described, even by those who support this proposition? Why, that it is in general, and particularly in the province of Ulster, which is by far the most populous and important district of the country, and once the most suspected of disloyalty, as sound, as well disposed, and as loyal as any part of England. Here then we have a comparison made that enables us to decide as to the nature of the necessity that exists for the farther continuance of such a bill. Here we have a rule and measure to guide our judgment, and, what is most extraordinary, furnished to us by the very men who, notwithstanding, assert the necessity of this measure. But their reason for the assertion is truly curious—"because there are some disaffected persons in the country." And where is it, I should be glad to know, that such persons are not to be found? Are there not bad subjects of every kind to be met with, perhaps in every part of England? Yet surely no man will venture to allege that as a reason for extending the operation of the measure before the house to this country. Perhaps, some one may be found to do so; possibly the right hon. gentleman may feel disposed to urge such a proposition. If he should entertain the wish, most certainly the adoption of the motion of the honourable baronet will afford him a most encouraging precedent. Unless it be pretended that the measure of justice which is due to the people of Ireland is very different from that which belongs to the people of this country, and that different, nay contrary principles of argument are applicable to the two countries, it cannot be said that the English nation enjoys the least security against the suspension of its constitution at the will of any minister, if the motion submitted by the honourable baronet be acceded to upon such slight grounds, or rather upon no grounds whatever. I have stated, that I see not the least necessity for this proposition, and I always stated upon similar propositions in the course of the last war, that I never saw an adequate necessity for adopting them. This statement my full conviction justi-

fies me in repeating, and I say again to the right honourable gentleman, and to my right honourable friend also, that they never succeeded in their reasoning against my friends and me, but by mis-stating our argument. We continually put the question which naturally suggested itself to our minds, and which my right honourable friend has very properly put to-night, namely, of what consequence is the discontent or disaffection of a *few*, if the great body of the people be sound and loyal? Certainly, the consequence is not such as to warrant the suspension of public liberty; and I never imagined that any man would have the hardihood to assert in this house that it was. But the right honourable gentleman has exceeded my expectation. In the whole progress of his hostility to freedom, and the constitution of England, never has he uttered any thing so dangerous and alarming as we have heard from him to-night; never has he attempted to take so great a stride before. In addition to the existence of disaffection in Ireland, the right honourable gentleman states another reason for the adoption of the measure under consideration, and it is this, which he described in very lofty terms—that we are engaged in war, and with an enemy, who threatens to destroy our constitution and independence.—I would ask, were we ever at war with any power, particularly in France, that was not willing to destroy our independence, aye, quite as willing as the present government of France? I never heard that we were. It was, however, reserved for the right honourable gentleman to maintain that war is a good ground for suspending the habeas corpus act. But the right honourable gentleman states, that the enemy threatened Ireland with an invasion; and did he not also threaten Great Britain? Both these reasons, therefore, are as applicable to the one country as to the other, and would, as I said before, equally sustain the extension of the measure before the house to both countries. When reasons of that sort, therefore, are stated, I must feel as much alarm for Great Britain as for Ireland. I approve highly the true and generous sentiments (and there is no sentiment generous that is not true) that have been expressed by the hon. baronet who moved the amendment. He feels a laudable tenderness and solicitude for Ireland, and so do I. But I feel also for Great Britain, and who knows how soon it may be doomed to suffer from the effects of that principle, which the right honourable gentleman seeks to establish in the adoption of the motion before the house? That right honourable gentleman would, I presume, be the last to deny, that

that there existed as strong grounds to apprehend an invasion of Great Britain as of Ireland; or even according to his own opinions something more. Different opinions prevailed as to the probability of invasion; but in the mind of the right honourable gentleman, there seemed to be no doubt that it would take place. Indeed, notwithstanding the close blockade of Brest, and the vigilant activity of our fleets and cruisers, with the increase of our land force, which none professed a desire to increase further than the right honourable gentleman, still was he haunted by the apprehension, and loudly proclaiming the probability, that an invasion of Great Britain was to be expected from day to day. This I mention merely to shew, that, at least in the judgment of the right honourable gentleman, there exists a good reason for the suspension of the habeas corpus act in Great Britain as well as in Ireland; and also to account for the alarm which I think must be universally excited by the opinions he has delivered in the course of this debate. If we are to be told, that although the people of Ireland are as loyal as those of any county in England, yet because some persons in Ireland are alleged to be disaffected, because we are engaged in war, &c. because an invasion of Ireland is to be apprehended, we are, without any other reason, and without any previous examination of the nature and sufficiency of the grounds stated, to assent to the motion of the honourable baronet; then I say, adieu to the security of British freedom; adieu to that habeas corpus act which is the proudest boast and noblest guard of the British constitution. If the right honourable gentleman and those who act with him seriously think that the grounds they urge are sufficient to warrant the suspension of the habeas corpus act, when, I would request to know—I don't mean as to date—but under what circumstances is that important privilege to be revived? Upon looking over the history of this act, I find that when, in former instances, it was thought necessary to suspend its operation, that suspension was but of very short duration. In the reign of Queen Anne it was suspended twice; and during the reign of the two first branches of the house of Brunswick, it was suspended more than once. I find that from the revolution down to the treaty of Aix-la-Chapelle, this important privilege was not withdrawn from the British people so often as during a very few years of the administration of the right honourable gentleman. And yet during the period that intervened, the country was frequently engaged in war, frequently threatened with invasion, and was much disturbed by disaffection

fection also; a disaffection which sprung not from Jacobins, but Jacobites. The latter party, I must observe, was quite as resolute and enterprising as the former, and much stronger in numbers, influence, property and power. What a material difference does this reflection manifest between the character and views of the right honourable gentleman, and that of any minister who preceded him. The right hon. gentleman contends that notoriety is a sufficient ground for parliament to proceed upon, without instituting a committee of inquiry. He has so contended upon other occasions; but did he and others who thought with him, argue that what they called the notoriety of disaffection, at the commencement of the last war, was an adequate ground to induce parliament to agree to a measure of the same nature as the present? No. And though that notoriety was generally asserted by the right honourable gentleman and his friends, and by none, perhaps, more than by my right honourable friend,—and I mention that for the purpose of defending him against the observations just made by the right honourable gentleman—although the notoriety was such as was said to be obvious in the public streets, yet ministers did not attempt to apply to parliament for a suspension of the habeas corpus act without instituting a committee of inquiry to examine and report upon the information which government possessed. That committee made a report to the house, and upon that report the proposal for the suspension of the habeas corpus act was grounded. This was the course of proceeding which my right honourable friend supported, and this is the course which he recommends now. Can it be said, then, with any degree of fairness, that the least degree of inconsistency is attributable to him for opposing a motion of such importance as the present, which is ushered into the house by the mere statement of a minister, and that statement itself containing such vain and futile grounds? The passing of this act eighteen months ago, without any previous inquiry, cannot be justly urged as a precedent to induce even those who agreed to it, to accede to the present motion, for the circumstances are not at all analogous. The alarm created by the intelligence received of the riot in Dublin, afforded some excuse for the precipitancy with which the proposition of ministers was then adopted. It was carried on the spur of the occasion, and some might have hoped, that when there was time, ministers would communicate more satisfactory grounds for the existence of such a measure, or that the house would institute an inquiry to ascertain the necessity of its continuance.

These

These ideas might have influenced the acquiescence of some gentlemen in the conduct they then pursued. But my right hon. friend took a different and a wiser course. He urged the necessity of previous inquiry, and had I been present, I should have certainly supported him, although I should have to resist the argument of another hon. friend of mine, who I understand maintained that the bill for suspending the habeas corpus act should, under those circumstances, be immediately passed. [Here Mr. Sheridan, towards whom Mr. Fox looked, signified his dissent.] Then, resumed Mr. Fox, I am glad it is a mistake. I am happy to find that my hon. friend was not among the number of those who were deceived in the expectations which induced them to vote for that measure; respecting which, although it has been now eighteen months in existence, no inquiry has been instituted, nor have ministers communicated any further information to the house on the subject than what was contained in his majesty's message. That my right hon. friend was right, notwithstanding the statement of the right hon. gentleman, in supposing that this measure was dropped, will not, I think, be denied by any candid man who considers the circumstances. After having given notice of the motion some time back, the hon. baronet put it off *sine die*. The right hon. gentleman has said that the reason of that postponement was the press of business: but that need not have prevented the hon. baronet from mentioning some day for bringing it forward again. The omission to do so appears to betray something like a design to take the house by surprise, or to raise an argument out of the shortness of the time between this and the expiration of the act against the delay of any previous inquiry. If, without such inquiry, you enact this measure, upon the mere statement of a minister, upon such evidence as, according to the principle of the right hon. gentleman, is sufficient to establish the necessity of a legislative act of this nature—namely, the view and opinion of his majesty's ministers, you may as well pass an act at once to invest the executive government with the power to suspend the habeas corpus act whenever it pleases. To appeal to this house for an act of the description proposed by the honourable baronet, upon such authority as he has mentioned, is quite a mockery; and to answer that appeal by concurring in that act will, in my mind, amount to little less than a virtual abandonment of our legislative functions. For what means an application to our judgment, unaccompanied by such information as is necessary to qualify that judgment to decide? I cannot understand

derstand the curious distinction which the right hon. gentleman has drawn with respect to the character of Lord Hardwicke, as applied to this measure. My right hon. friend stated manfully, that the character of any man, however pure, could form no reason in his mind to invest that man with arbitrary power. This is exactly my opinion. But the right hon. gentleman says, that he only alluded to the character of Lord Hardwicke, as an argument against the abuse of the power which this act is meant to establish, but as not at all applicable to the merits of the measure. This is to me a very nice and very unintelligible distinction; for the strongest reason in favour of any grant of power is, that it is not liable to abuse. Therefore, when the right hon. gentleman asserts so much with regard to the disposition and character of Lord Hardwicke, he is strongly recommending this measure; but yet his panegyric upon that noble lord, were it ever so well founded, would have no influence on my mind in favour of this proposition. I know there are certain theorists who hold the maxim, that the most uncontrolled authority may be granted without danger to an honest, able man—nay, that an absolute monarchy is the best system of government, if the monarch were possessed of all the virtues and talents of which man is capable; but I am not one of these theorists. Let the disposition of a man be what it may, I will not consent to invest him with extraordinary, unconstitutional powers, for this plain reason—that it is subject to abuse. The virtue of a man is, therefore, no argument with me in favour of such grants—because I learn from the history of mankind, because particularly the history of the constitution, and my own experience, forbid such grants. I am impelled to dread the abuse of power to whomsoever it may be given. These are my reasons for not allowing any weight to the argument drawn from the character of Lord Hardwicke. Into that character itself I will not now enter. I have reasons which form stronger grounds of complaint against that noble lord in my mind, than perhaps they would form in the minds of others. I shall not now mention them. It is enough with me to justify the vote I mean to give against the measure under consideration, that I will not intrust such power to any man. If character were a sufficient reason to justify the constitution of such a power, that reason a minister could always find among the nobility of this country. If Lord Hardwicke did not answer, another and another nobleman of unexceptionable character could be immediately found to fill his place. I cannot,

not, therefore, listen to such reasoning. My objection is, to grant the power proposed to the office, not to the man. As the right hon. gentleman has not hinted when the measure before the house is likely to cease, I suppose, from some observations of his, that it is his intention that it shall continue during the present war, and nothing more likely than that he may propose to extend it to this country. If he pleases to do so, he can adduce reasons quite as strong as he has offered in support of the motion of the hon. baronet; and why should it be presumed that the right hon. gentleman is not as fond of enjoying extraordinary power himself in this country, as of granting it to any lord lieutenant? Ireland being now admitted by all to be in a general state of tranquillity, I cannot conceive what change in her situation can take place that is likely to induce the right hon. gentleman to put an end to this odious measure. If, although Ireland be tranquil, the existence of what is called an Irish committee at Paris be considered a reason for measures like that before the house, then is the French government furnished with the means of, perpetually and sorely annoying this country, by depriving the people of their liberty: for that government has nothing more to do than to create, or to promulgate, the existence of an Irish and an English committee also; and upon that it seems, combined with the popular discontent which such measures as this under discussion will always produce, an English minister may found a reason for investing himself and his friends with the extraordinary power of suspending the constitution of England. Among other singular and indeed incredible things, we are told by the supporters of this bill, that the majority of the people of Ireland will gladly hear of its re-enactment, because they are so confident of its necessity, and they are so much attached to Lord Hardwicke, that they are convinced that any power would in his hands be safe from abuse. As to the disposition of the people, I shall say nothing; but there are some facts with respect to the abuse of power in Ireland under this bill, which I shall take an opportunity of stating much at large when the motion, of which an hon. gentleman (Mr. Fitzgerald) has this day given notice, is brought before the house. There is one gross instance of abuse which I cannot even now refrain from alluding to—I mean that of Mr. Todd Jones. This gentleman, I have reason to believe, has, on the ground of mere suspicion, suffered a most rigorous imprisonment in a loathsome gaol for upwards of sixteen months. From the treatment he has experienced,

and the situation in which he is placed, he has, in fact, suffered enough of punishment, even had he been guilty of a heavy crime. Indeed, he has endured so much, that in countries where the laws are less severe, it would be deemed quite sufficient to atone for treason or felony. There are other cases also which I could state, but I shall reserve them for the occasion I have already alluded to. But even suppose I allow every merit that may be ascribed to Lord Hardwicke, or his secretary, and those immediately about his government, still my objection to this bill would not be removed. For I feel it to be one of the great mischiefs of arbitrary power, that even, though the principals in the administration of it be ever so virtuous, so vigilant, or so able, still acts will be committed by some of those to whom, in its various ramifications, that power will be necessarily delegated, that the principals cannot prevent, and which, if communicated to them, would make them shudder with as much horror as any other persons would be apt to feel. These are the reasons which urge me to resist this and the other bill, of which the honourable baronet gave notice some time since; but of which, I hope, I shall hear no more. I cannot see the least reason for the adoption of such measures, much less such strong grounds of necessity as could alone justify their introduction. I trust then, that by rejecting them we shall shew the people that we have their liberty, not merely in our mouths, but in our hearts; and that we will not abandon our duty to preserve that sacred trust, upon idle rumours, or light ministerial whispers.

Sir Ewan Nepean stated, that he had inquired into the situation of Mr. Todd Jones, and found, that though he was discontented, he had no reason to complain, as he was placed in as comfortable a state as a person in his circumstances deserved.

Mr. Fox replied, that the judges of assize had stated, as a complaint against the county of Cork, the unwholesomeness of the prison in which Mr. Jones was confined. As to the concluding part of the hon. baronet's observations, he should take occasion to talk a little more about it when the motion he had already alluded to should come before the house.

Lord De Blaquiere observed, that the hon. gentleman who had just sat down had given to the sentiments of his hon. friends on the present state of Ireland a construction which they would not fairly bear. They had never asserted that the whole of Ireland was as loyal as the whole of England, but that certain provinces were so; Ulster, for instance, the inhabitants

habitants of which were certainly as well disposed to the existing government as those of any county in England whatever. The hon. gentleman had alluded to what he was pleased to term the precipitation with which the bill for suspending the habeas corpus act in Ireland was carried through parliament in July 1803. He would just recall the attention of the house to the circumstances of the time. Antecedently to that period, application had been made to government, requesting, for the security of the well affected, that a suspension of the habeas corpus might be procured; but the ministry, actuated by motives of delicacy, not aware of the extent of the danger, and anxious to infringe the liberties of the subject as little as possible, refused their concurrence. What followed? The insurrection. In the mean time the government, having become sensible of the necessity of the measure, brought forward the suspension of the habeas corpus act, and obtained for it the sanction of parliament, with a zealous exertion for which they were entitled to the thanks of every friend of Ireland; but still it was too late. He was convinced, and knew it to be the firm opinion of many gentlemen intimately acquainted with the internal politics of that country, that had the suspension taken place sooner, the insurrection would never have burst forth. It was infinitely better to prevent guilt than to punish it. He was desirous, by repressing the treasonable attempts of the turbulent and factious part of the community in Ireland, to secure to the loyal and well-affected the enjoyment of security and happiness.

Mr. Sheridan reserved the full declaration of his sentiments upon the subject before the house for a future stage of the proceeding. He rose only to correct a mistake into which his hon. friend (*Mr. Fox*) had fallen, in supposing that he had ever supported such a measure as that which was then under discussion. This mistake of his hon. friend, and of another hon. friend also (*Mr. Windham*) arose from this, that upon the motion for an address to his majesty, in answer to his message respecting the riot in Dublin, he spoke against any delay in expressing the abhorrence which the house felt against such atrocities as that message referred to, but he never voted for either the martial law bill, or the act for the suspension of the habeas corpus.

Mr. Alexander was surprised, that any gentleman should assert, that there existed no cause in Ireland for the suspension of the habeas corpus act. He believed, that in the north

of Ireland the people were in general loyal; but disaffection still lurked among them, and if not kept down by the strong hand of power, would soon become too formidable for opposition. An hon. gentleman had alluded to the period of Irish history, during the reigns of the earlier princes of the Brunswick family, when the suspension of the habeas corpus act first took place, and had compared that epoch to the present; but he did not think the resemblance so strong as the hon. gentleman seemed to imagine. At that time the Jacobites were contending for the restoration of the Stuarts to the thrones both of Great Britain and Ireland. They had one common object in view. Now, the exertions of the Irish malcontents are directed to separate Ireland from Great Britain, and to establish, in the former country, a distinct and independent democracy. The part of Ireland which he had the honour to represent was in a quiescent state, but he was satisfied that his constituents, although they laboured under no necessity of availing themselves of the suspension, would heartily rejoice at the security that it would afford to such of their neighbours as were not in such an enviable situation. It was a circumstance too well authenticated to admit of the least doubt, that to every point of France that is easily accessible from Ireland, numbers are continually passing, whose object was surely not questionable.

Sir John Newport explained. He had never, in the most distant manner, intimated that he should ultimately oppose the suspension. What he contended for was, that by appointing a committee, the house might be enabled to ascertain with precision whether such a measure was eligible or not.

Mr. Martin (of Galway) would trouble the house with an observation or two which would be comprised in a few words. If it had been proposed to him to give a decided affirmative or a decided negative to the motion for the suspension of the habeas corpus, he should certainly, with the knowledge of the circumstances of Ireland that he possessed, have preferred the former; but as a middle course had been offered to the house by the motion of the hon. baronet, which went to give them full information on the subject, he should most assuredly vote for the amendment. He differed materially from the hon. gentleman, who thought the situation of Ireland now the same as when the suspension of the habeas corpus had been voted by a parliament sitting in Ireland. To suppose this would be to belie every argument that he had heard in favour of the union. No man was more disposed to pronounce

pronounce an eulogy on that measure than he was; he had urged to his constituents in the strongest terms, the full benefit which they would receive from a participation in the English constitution; but if a suspension were thus to take place on light grounds, or at any rate without serious inquiry, they would be apt to imagine that the benefits they derived from their close connection with England and English laws were not so great as he had represented them to be. There was another argument which appeared to him of some importance, and this was that the suspension was confined to Ireland. If it were proposed to be extended over the whole kingdom, he, for one, would make no opposition to it. (*A loud laugh.*) It had been said, but without a shadow of truth, that the Irish gentry loved martial law better than magna charta. With regard to France, the situation of Ireland was essentially different from what it was at the time of the suspension that he had last alluded to. When that suspension took place, there was an organised republic existing in Ireland, and ready to fraternize with the then democratical government of France; but from the late change in the legislature and government of that country, all hopes of co-operation and assistance in their political views, that the republicans of Ireland might once have indulged, must long have vanished. If any living characters were more detested by the Irish than others, they were the individuals composing the self-denominated Irish directory in Paris. On a review of all the circumstances of the case, he certainly thought the hon. baronet's amendment should be adopted. He by no means refused the suspension, he only asked for the inquiry.

Mr. Dawson could not suffer this question to come to a decision without declaring his hostility to the original motion, and his reasons for supporting the amendment of the hon. baronet. He was confident the hon. baronet who had brought forward the original motion had sufficient grounds in his own mind to justify the adoption of such a measure; and he believed too that if he were himself acquainted with these grounds, he would be of the same opinion. In order to justify him in voting for such a motion, something more was necessary than the impressions of his own mind. If the hon. baronet even had communicated to him satisfactory reasons for the adoption of the measure in his closet, yet as a representative of the Irish people, he should require further information, public and official documents sufficient to establish a parliamentary ground for the necessity of the measure.

Until

Until such documents should be produced, he could not reconcile it to himself to vote for a measure that was to deprive so great a proportion of his majesty's subjects of the most invaluable benefits of the constitution. As to what had been said respecting the character of the noble lord at the head of the Irish government, he readily subscribed to it all, and he was happy in the opportunity of bearing testimony to the high opinion he entertained of his virtues and talents; but he was far from thinking that any circumstances of personal character, however favourable, could constitute an argument in support of such a measure.

The question was then loudly called for, and the gallery being cleared, a division took place: For the original motion 112—For the amendment 33—Majority 79.

Leave was consequently given to bring in the bill, and a committee appointed to prepare it.—Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, FEBRUARY 11.

The three millions exchequer bills' bill, the qualification indemnity bill, the assessed taxes commissioners bill, and several other bills were brought from the Commons, and read a first time.

Earl Darnley postponed his motion on the additional defence bill, till Thursday, for which day the Lords were ordered to be summoned.

The *Earl of Albemarle* said that, before proceeding to the business of the day, there was a motion with which he meant to trouble their lordships, of which he had not deemed it necessary to give any notice, as he could not figure any objection which could be made to it. What he wished was a copy of the commission granted by his majesty to Sir Charles Middleton, and others, for managing the naval concerns of the country. Their lordships were not ignorant that there was another committee appointed for this purpose by parliament, and it was but proper that it should be seen how far this committee, appointed by his majesty, was intended to supersede the committee appointed by parliament. Of the exertions of this latter committee, and of the benefits of which their exertions had been productive to the country, both that house and the country in general were sensible. It had been appointed under the management of a noble earl, whose conduct entitled him to public esteem and gratitude, not as a
brave

brave commander merely, but as an upright and able conductor of the affairs of the admiralty. He therefore moved, that an humble address be presented to his majesty, praying that he would be graciously pleased to order a copy of the commission to Sir Charles Middleton, and others, to be laid before the house.—Ordered.

Earl St. Vincent—My lords, I avail myself of the first full attendance to notice what fell from a right hon. gentleman at the head of his majesty's councils, in another place on Tuesday last, and to demand of the noble lords on the ministerial bench to declare, whether it ever has been, or now is, in the contemplation of his majesty's ministers to institute any inquiry into my conduct, while at the head of the admiralty board. I believe I have some firm friends upon that bench, and I do implore them, as the greatest mark of friendship they can confer on me, to furnish an opportunity to disclose the source and spring of every action of my life, public and private, more especially those which governed my conduct as first lord of the admiralty.

Lord Hawkebury did not think that it was parliamentary to call on him to make any explanation in allusion to what had occurred in another place, and he was still the more unable to give any answer, as he did not know farther than from report the nature of the accusation alluded to. He thought, however, he could assure the noble earl that he was not aware that there was any intention of making his conduct the subject of investigation.

Earl St. Vincent, after making apologies to the house, said, I am not satisfied with that answer, and I do positively repeat my demand, to be informed whether there is any intention to bring a charge against me.

Lord Hawkebury said that, as one of his majesty's ministers, he assured the noble lord it had never reached his ears even that such an intention had been surmised or hinted at.

The *Earl of Suffolk* said that there had been some talk of a tenth report of the board of naval inquiry. He was anxious that it should be laid before the house.

SPANISH WAR.

The order of the day for taking into consideration the papers relative to the rupture with Spain, laid on the table by order of his majesty, being read,

Lord Mulgrave rose, and said that in laying before their lordships the papers contained in the first volume which had been

been laid on the table, he was conscious that he had so far fulfilled his duty as to submit to their consideration every paper which to himself appeared material, in forming a true judgment on the question at issue. When other papers had been deemed necessary in another place, he had felt that his duty and respect to that house called on him not to allow their lordships to yield to any in the extent of their information on the subject. Now, however, that the whole papers at all connected with the business were on their lordships' table, he submitted that no imputation could attach to him, as if he had willingly made any concealment from their lordships, or had originally withheld a single document of importance. From a perusal of these papers he trusted it would appear to their lordships that the conduct both of the late and present administration had been governed by a spirit of moderation and forbearance which did them credit; and that so far from provoking a war, or arrogantly insulting over a weaker enemy, and driving them into hostilities, we had shewn out magnanimity, in taking their defenceless state into consideration, and had only proceeded to extremities when a studied concealment, or rather refusal to give us any satisfaction on their part, made it no longer prudent or safe for us to persevere in our system of indulgence. While, therefore, our magnanimity must remain unquestioned, the only other consideration must be, had we so blindly fallen into the deception practised on us, as to be totally inactive, and to allow our enemies to take advantage of our desire to preserve peace, and turn it essentially to our prejudice? In this respect too, there would be found ground of congratulation. By the promptness of our exertions, and the activity of our fleets and cruisers, we had been enabled to avert the consequences which must have been in the contemplation of our enemies, in endeavouring to avoid coming to a clear and explicit understanding on the subject. Their treasure ships were not now enriching the coffers of Bonaparte, but had been intercepted and detained by our fleets. It had been stated by a noble lord opposite, that if the succours furnished by Spain to France were only in terms of the treaty of Ildefonso, that was no just ground of war on the part of our government. To support an opinion of this kind, however, it was laid down by our best writers on the law of nations, that two qualifications were essential to the treaty; first, that it be not made during the currency of a war; and, secondly, that it should not be pointed against a particular power with which the parties had been

been at war. In both these respects, however, the treaty of Ildefonso was defective; neither was it in the spirit of it *defensive*, but perpetual and offensive. It had commenced during the course of the former war between this country and France, and it was against this country by name that it was directed. The Spanish minister had made a comparison between it and the family compact entered into in the year 1761. There, however, there was a community of interest between the parties; a greater proportion according to their means was not required from the weak than from the strong; and no unjust exactions were made from the weaker party. By the family compact the assistance to be afforded by Spain to France was only as 12 to 24: by the treaty of Ildefonso, however, the succours on each side are equal, and the power of the parties is presumed to be exactly the same. By the compact, Spain was not to be called on unless France was attacked; by the present treaty, she must assist against any power with which France may be at war, even although she should be the aggressor. In the one case, Spain might represent, and inquire the cause of her being called on for her subsidy; in the other, she was bound to supply it, on the requisition of France, without an inquiry into the cause of the war being allowed her. Such was the situation of France and Spain at the commencement of hostilities between France and this country; and although we might unquestionably have been then justified in holding the relations in which these two countries stood to each other a sufficient ground for comprehending Spain in our hostile declaration, the policy adopted by his majesty's then ministers was, if possible, to preserve the relations of peace between this country and Spain, and such continued to be the system pursued by the present ministry. The noble lord then proceeded to notice the different requisitions made by our government, through Mr. Frere, to the court of Spain, at different periods; and the answers received by him, particularly dwelling on the absurdity of their averment, that the supplies of money made by Spain to France were in lieu of their contingency of ships and men, as by a calculation, if the fifteen ships of the line which they had engaged to furnish were rated at as high a sum as our ships cost, there would remain for the men a sum greater than eight times the real expence of furnishing them. From the refusal, too, of the Spanish court to give the information demanded as to the armaments in their ports, and from their refusing to disarm, he contended it was obvious

Was I : 205.

Y

that

that they were not disposed or did not dare to disarm, and that they only meant to temporize till their treasure ships should arrive. Then the moderation of this country was obliged to terminate; and then Mr. Frere applied for his passport. On the whole he was convinced the house must be of opinion that our government through the whole of the negotiation preserved a dignified moderation and a persevering forbearance; and he hoped, from what he knew of the noble lords opposite, they would not allow themselves, for the sake of opposing ministers, to shew any difference of opinion on a subject in which the honour and dignity of the country were so materially concerned. The detention of the treasure ships, he stated, was completely unconnected with the causes of the war, and was not known at the time Mr. Frere had left Madrid. If, however, that question were examined according to the law of nations, to analogy, or expediency, he contended it would be found to be completely justifiable. In the year 1761 we had allowed all the treasures of Spain to arrive in their ports before we thought of proceeding to extremities. We had, however, on this occasion been more fortunate, and he was persuaded no person would regret that the Spanish treasure ships were in our possession rather than in that of Bonaparte. Even too, in the orders given for the detention of these ships there was to be seen the same system of moderation which had characterized our conduct throughout; for, though in justice and propriety the property of the private subjects of a country is equally liable to be seized or detained as that of the government itself, the instructions given were to preserve private property inviolate. He therefore submitted that never had a country been forced into war on more pure and immaculate grounds than this country had in the present contest with Spain; fortunately too, the promptitude and exertions with which our orders had latterly been executed, when the conduct of Spain rendered it impossible for us longer to shut our eyes against their intentions, had prevented us from being injured to the extent we otherwise might by our former forbearance. On these grounds he with confidence asked of the house to vote an humble address to his majesty, which was in the terms of the address moved in the House of Commons.

The question on the address being put,

Earl Spencer rose.—He saw the matter in a light so extremely different in almost every particular from the noble lord who had just sat down, that he would ill discharge his duty

duty to his sovereign and the country, did he not state some of his reasons of dissent from the address which had just been moved. Without any prefatory observations on the subject, he trusted that noble lords would believe that he would be one of the last men in that house, for the mere sake of opposition to a minister, to do any thing which could at all cast discredit on the government, where the character of the country was so intimately concerned in the discussion. He felt, however, he would in this case be committing the honour and dignity of the country, were he to abstain from delivering the sentiments which occurred to him, on a fair, dispassionate, and careful examination of the materials on the table. In doing so, what appeared to him as being the most regular and parliamentary course would be to move an amendment. He could not propose to negative the address moved by the noble lord. Having such materials before them as were now lying on the table of that house, such a conduct would indeed be improper. They could alone discharge their duty by laying their sentiments on this important subject before his majesty. In the first place, he felt no hesitation in saying, he most cordially acquiesced in that part of his majesty's declaration which states, that from the first moment of the commencement of hostilities between this country and France, justifiable grounds existed for our going to war with Spain also. On that subject he presumed to think there could not be two opinions. But if government thought proper to wave that right, and to enter into negotiations how far they would allow Spain to fulfil, and how far they would not allow her to fulfil her treaty with France; if they thought it prudent to sink at her supplying the enemies of this country to a certain extent, they ought clearly and explicitly to have intimated to what extent that supply was to be countenanced—what were the specific terms of neutrality they would submit to, and none other. If they had done so, and if their conduct had been actuated by that moderation and humanity the noble lord had stated, he should have agreed in the propriety of their conduct; he should have rejoiced that they made every becoming effort to preserve peace. But was this really the case? Had the conduct of this government been characterized by humanity and moderation? All he had read on the subject, in the voluminous bodies of papers on the table, led him to form a very different opinion. He had seen nothing of firmness or consistency, nothing of moderation or humanity; their conduct was altogether made up of inanity

and indecision. He should notice a few particulars, from which he was induced to draw this conclusion, and to regret, that in many respects duplicity and want of candour had distinguished the instructions of ministers to our ambassador at Madrid, more than open and ingenuous conduct, which ought to distinguish a great nation. Mr. Frere was desired, in his instructions from government, to get every explanation from the Spanish minister he could, but himself to give no information. The Spanish ministers, therefore, justly complained, that they did not know what he wanted. In one place he is desired to state, that the granting of pecuniary succours will be esteemed a sufficient ground of war; and immediately afterwards he is instructed to require information on certain other points before he gives any answer on that subject. Mr. Frere's own conduct shewed that he did not know what his instructions meant. Indeed they were so various and contradictory in themselves, that he could hardly be supposed to be able to reconcile them. There was, besides, a want of vigour and attention on the part of government which was truly astonishing, and was unquestionably reprehensible in the highest degree. There appeared in the communications from ministers in this country to Mr. Frere, a chasm, at one period, from the 22d June to the 24th November; again, one to a smaller extent, from the 2d of November to the middle of January; and a still more remarkable one from the 21st of January to 29th September, being a period of upwards of eight months, during which a new and important discussion was going on; one of a very delicate nature, as embracing the alternative of peace or war, and in which the honour and character of the country were concerned; without a single line of instructions being sent from the government of this country to the person at Madrid who was carrying on this important negotiation. The detention of the Spanish treasure ships was also an instance of uncommon moderation and humanity. It had been attempted, but most unjustly, to assimilate it to an embargo laid on in a port. To such a measure it had not the most distant resemblance; and before our government resorted to such a step it was called on by every principle of candour and good faith, and by every sentiment of honour and propriety, to give the Spanish government intimation that if it did not receive every information required, it was its determination to adopt a step of the kind. It was said that Mr. Frere had left Madrid before the news of their capture or detention was known there.

But

But what did that avail? Could that circumstance render their detention lawful? Mr. Frere had never intimated to the Spanish minister that such was the intention of our government. But what was still more remarkable, and might afford greater ground for calling the integrity of the intentions of our government into question, the register ships, it was well known, were then expected. Mr. Frere, as well as every person else, must have been aware of that circumstance, and at this very period is he found all at once using decisive language, and insisting on having his passports. The noble earl concluded by moving an amendment similar to that moved in the House of Commons by Mr. Grey.

Lord Sidmouth was not disposed to detain their lordships long, but thought himself called on to state what induced him to concur in the motion made by the noble lord. The noble lord, by entering minutely into the merits of the question, had divested the subject of all embarrassment, and relieved him from the necessity of travelling over the particular grounds, as they appeared in the papers before the house. If ever there was a ground for war, the present was certainly one of that description. The treaty subsisting between France and Spain was of such a nature as to admit of no doubt of its being offensive. It contained engagements of unlimited assistance. That forbearance, at the same time, which his majesty's government had exercised, was justifiable in every point from which it could be viewed. This he was certain of, that there was no part of the system that had been pursued during his continuance in office, that, to the last day of his life, he should reflect on with greater pleasure than on the forbearance they had exercised, not only towards Spain, but other powers also. Their forbearance towards France previous to the commencement of the war, though much blamed both in that and another house, was of the same description of policy, and had originated in similar motives. But, if forbearance in that case was at all justifiable, that towards Spain was still more so. It was connected with the preservation of a weak ally. It was the safety of Portugal that had made them cautious in breaking with Spain. There were other reasons also for forbearance which might be urged with great propriety, but which he did not think it necessary to go into at present. The preservation of Portugal was of itself a sufficient justification for the reluctance they had discovered to come to hostilities. But the noble lord who had sat down seemed to be of opinion that this forbearance was
the

the result of indecision, and that government had been wavering and irresolute. There was nothing in the instructions of Lord Hawkesbury that could justify that conclusion. Lord Hawkesbury had directed Mr. Frere to refrain from giving any opinion, but to transmit the communications to his court. There was nothing in this that could be construed into wavering. That noble lord had also said in his instructions, that, if Spain did no more than afford the stipulated pecuniary aid, there would be no war, but in no document had any such pledge been given. It had been avowed, indeed, that if France should be allowed more than an equivalent sum, that that circumstance would be considered as a declaration of war; or that, if Spain should allow any part of the French army to march through her territories, his Britannic majesty would regard it as a ground of war. It was evident, however, that a disposition favourable to peace ran through the whole of the instructions. The prominent object was to cultivate relations of friendship with Spain. The noble lord had said that the instructions were at variance with each other; but this he positively denied. They had been uniformly unwilling to lead Spain into hostilities, though never without the apprehension that France would ultimately involve her in the war. In the passage respecting the succours, he denied likewise that there was any inconsistency. It had been observed that there were a great many chasms in the correspondence; but this objection could have no weight till they pointed out some practical inconveniences arising from those chasms, which they had not attempted to do. The noble lord had dwelt on the information received from Admiral Cochrane, to which he attached so little importance; but the armaments were of such a nature, he maintained, as to have authorized immediate hostilities. In justification of the ultimate rupture, the noble lord then stated, that not one of the objects to which they attached importance had been obtained from Spain, except that of stopping the sale of prizes. We had required that foreign troops should not march through Spain, and the French fleet at Ferrol had, notwithstanding, been recruited by that very means. We had pledged ourselves to this country, to Spain, and to Europe, that, if they did so, we should declare war. A commencement of hostilities, therefore, in those circumstances, ought not to have been unexpected, and was nothing more than following up a former declaration. He agreed with the noble lord that it would be difficult to give to the succours afforded the French
any

any other name than hostilities against Britain, and that they of themselves would have justified a war. To have, however, declared war on that ground alone would have discovered less magnanimity; and the time was not then arrived when the government of France would no longer allow Spain to remain neutral. There was no doubt that the navy of Spain would have been an object to France, and there were strong presumptions that, at the moment of the rupture, means were taking to put them in possession of it. It was pretended, indeed, that those armaments were making to render their neutrality more respectable; but there were good reasons to believe that this was only a very secondary object. The noble lord deprecated that conduct that went to enfeeble our exertions, by rendering the justice and policy of the war less certain. Nothing was more calculated to give vigour to a cause than a conviction of its being good. He would therefore vote against the amendment, as it went to weaken the grounds on which we had undertaken the war.

Lord King contended that the principles on which this discussion with Spain had been conducted were inconsistent and contradictory. That forbearance which had been exercised at the beginning of it ill accorded with the system of hostility that succeeded. Ministers denied the existence of any convention between them and the government of Spain, respecting the stipulated sums that Spain was to pay to France in lieu of contingents; but even from their own statements it was impossible not to discover some sort of agreement or understanding. Without gross misrepresentation, it could not be denied that satisfaction was obtained on the principal points that were at issue. The noble lord's instructions shew that he had obtained satisfaction from some quarter. If he was satisfied, why did he not inform Mr. Frere so? or if not satisfied; why did he not press that gentleman to get farther satisfaction? But the noble lord had perhaps been busy with the volunteer bill when he should have been attending to his foreign relations. The noble lord then attempted to account for the activity exhibited so lately in that department. The present ministers had declaimed against the former for their want of energy, and they wished, perhaps, to shew that they had more spirit, and as they could make no impression upon France, they made Spain the object of their aggression. The noble lord then contended, that before any remonstrances could have arrived in Spain, even before they had been dispatched from this country, acts had been committed that amounted

amounted to war, and this had been done without any explanation. And this act of hostility was not a precaution for the purpose of preventing troops being sent to Ferrol, which had been complained of, but a precaution taken to prevent a subsidy to France, to which they seemed to have made no positive objection. They had not taken measures to secure Portugal previous to breaking with Spain, nor were we now in a situation to protect her. Nor were we able, he thought, to make any impression on the Spanish settlements of America, which with some might be considered a principal motive for the war, and even if we were, he would disapprove of such a measure. It would only be multiplying those grounds of dissension of which we had already too many. For these reasons, the noble lord flattered himself that a great part of the house would be ready to concur with the amendment proposed by the noble earl.

The *Earl of Westmoreland* insisted that the system of forbearance pursued by his majesty's ministers in the early period of this business, was justified by our own situation, and by that of Europe. Spain had also held out some hopes that she might not be entirely subservient to the views of France. Reasons of policy also justified the subsequent conduct of government. Were they blamed because they had made no previous declaration of war? this conduct, the noble lord argued, was not unprecedented. It was thus that the Spanish armada had attacked our shores, and it was thus that the war of the year 1756 had commenced without any previous notice. This point the noble lord farther illustrated from ancient as well as modern policy, and argued, that it was by no means inconsistent with the laws of nations. Though they had made no declaration of war, a dispatch had been sent intimating that their forbearance was only temporary. It was impossible for his majesty's government, as circumstances stood, to avoid the war: he would, therefore, his lordship said, give his vote for the address.

Lord Darnley maintained, that if war was commenced without any previous declaration, it ought to be on such grounds only as were clear to ourselves and to all Europe. Nothing less could justify the omission of such a formality. He reprobated the capture of the frigates, and thought it little better than a species of piracy. He contended that the sum given to France by Spain was not, contrary to what had been stated, more than an equivalent for the stipulated contingents of men and ships. There were strong grounds for peace, he argued,

argued, founded in policy, on account of Portugal, which was by this means left exposed, or would be obliged to declare against us also. He had never heard the reason why other ships of war, and vessels carrying naval stores, were permitted to pass unmolested, while we had thought ourselves authorized to seize on the frigates. This circumstance would naturally lead one to imagine that the arrival of those ships had induced his majesty's government to commence hostilities. His lordship concluded with observing, that we had the misfortune to have the opinion of the rest of Europe against us.

The house then divided on the question, "That the amendment stand part of the motion"—

Contents 36—Non-contents 114.

Proxies were also called for, and his Royal Highness the Prince of Wales gave the proxy of Earl Moira for the amendment.

The original question was then resumed.

Earl Fitzwilliam was of opinion, that at so late an hour in the night it would be advisable to adjourn the further consideration of the subject.

Lord Hawkesbury would certainly oppose the adjournment, if a motion to that effect were made. The question had already been discussed at great length; but if the noble earl thought that it still required further consideration, it was not so late but they might yet hear every objection that could be started to the address, and on many occasions the house had sat to a much later hour. If any observations were made which required an answer, he should claim the indulgence of their lordships for that purpose.

Earl Fitzwilliam said that, in his opinion, no satisfactory answer had been given to the observations of his noble friends on these most extraordinary papers.

Lord Grenville then rose, and entered into an examination of the papers on the table, and of the conduct of ministers in the negotiation. He professed his utter astonishment that the noble lord who had risen to express his determination to oppose any motion for an adjournment, had not thought it his duty to say one word in explanation of the huge mass of papers on the table, so as to throw some light on a transaction, which in his mind reflected no credit on the administration of which he formed a part; nay, which brought great discredit on the country itself. It was impossible to conceive any thing more extraordinary than the conduct of his majesty's ministers had been in the whole of the negotiation, if they were to

judge from the documents that had been laid before them ; for though paper was heaped on paper, and they had deliveries after deliveries, there was no communication made by which they could learn the motives of government in this most important and calamitous affair. There appeared nothing but negligence, inattention, and mystery. For the whole course of eighteen months that this negotiation had lasted, there appeared but four dispatches from ministers to Mr. Frere, at Madrid ; and even these were distinguished only by their containing nothing to the purpose, or by being unintelligible, or contradictory. The noble lord opposite to him had thrown out a challenge that no charge could be brought against ministers for their conduct in this negotiation ; he accepted the challenge, and presumed to say he should prove, from their own papers, that they had been most criminally remiss, silent, and inattentive to all the eager and repeated applications which had been made to them by the Spanish government to explain their system ; that they had even kept their own agent at the court of Madrid ignorant of their views ; that they had neglected every opening that had been made them of preventing a rupture ; that they had, without provocation, treated, in the first instance, with indifference and contempt the court of Spain, and when they had thus finally driven them into the hands of France, that they had acted with violence, injustice, and unpardonable precipitancy. The noble lord, to illustrate these points, shewed from the documents on the table, that after the commencement of the war with France, ministers had taken more than a fortnight to think of an instruction to Mr. Frere at Madrid, how to conduct himself towards that important court on that interesting emergency. Their first instruction was dated the 2d of June, and from that period no second letter was sent by them to their minister at Madrid, until the 24th of November following ; and this, though he repeatedly solicited them to be explicit, and urged the necessity of treating the Spanish court with care, attention, and respect. This was not all. The Spanish court was most desirous of coming to a good understanding with England, and made the most earnest applications for that purpose. No answer whatever was given to these repeated invitations to an amicable negotiation. Though goaded by the French government, and in the most anxious state of suspense, they could not obtain from our ministers any other treatment than that of silent contempt. In this way the months of June, July and August passed, without the slightest attention by ministers to their

their applications, and even the letters and instances of their own minister resident there; although he informed them that, at that time, the cause of England was popular with all ranks of people in Spain; that they were most desirous of connecting themselves with Great Britain, as the means of keeping them out of the hands of France; and that the moment was most favourable for that purpose. All this was neglected, and, at length, driven by the criminal neglect and silence of England, the Spanish government was forced to yield to the influence of France, and agree to permit a small body of 1500 men to march through Spain to recruit their ships at Ferrol. This fact Mr. Frere transmitted on the 9th September, and stated the remonstrance which he had made of his own head, on the subject. Notwithstanding this, it was not till the 24th of November that he received an instruction on the subject; and then Mr. Frere being at length relieved in some sort from the painful ignorance and nullity in which he had been kept, thanked ministers most gratefully for telling him what he was to do. Lord Grenville expatiated on the indecision and weakness of the whole system of the few instructions which appeared in the immense space of time that elapsed, which he described as "*rari nantes in gurgite vasto.*" In no one instance had they given Mr. Frere plain, intelligible grounds to act upon; and he had therefore been under the necessity of drawing his own conclusions from them, which were not always perhaps strictly conformable to the text. For in his note to the Chevalier de Cevallos, he says that war will be the infallible consequence of their fulfilling their treaty with France; whereas he is instructed to protest against the measure, and to declare that his majesty, though he may abstain, from the consideration of its being a temporary expedient, yet he must be at liberty to consider a perseverance in the system as a just cause of war at any future period when circumstances may render it necessary. There were three other points in that instruction of the 24th of November, with respect to the admission of French troops into Spain, naval preparations, and the protection to British commerce in the ports of Spain. But in the third instruction, dated the 21st of January, every thing like decision is withdrawn, and he is desired to avoid coming to a sudden or unfavourable issue. From that time not one letter of instruction, or of information of any kind, was sent to him for eight months, not even an intimation of the change that occurred in his majesty's councils, and although it was a time full of the most anxious and important interest to Great Britain.

Britain. The noble lord contended that all the four dispatches were either nugatory, indecisive, or contradictory; and, though he could not blame Mr. Frere under such circumstances, and he certainly did not blame him, yet his notes and conversations with M. Cevallos had been as contradictory as the instructions he had received. He had demanded that the sale of prizes should be stopt, and this the noble secretary of state said, ministers had not thought worth writing about. It was a measure which, in his mind, it was not for the interest of England to contend for, as it must always be for the interest of the nation that has the superiority at sea to prevent all shackles upon navigation. Ministers did not instruct him, indeed, to make this demand, but they expressed neither approbation nor disapprobation of his conduct in demanding the discontinuance of the sale of prizes, and in so doing they took the proceeding upon themselves. They could not say that they were not answerable for the measures of their agent, for nothing was so clearly established among the laws of nations as that a government was answerable for the conduct of its agents, unless formally disavowed. But Mr. Frere demanded two points—the sale of prizes and all armaments to be stopped. One of these he obtained, and the other was explained, and a demand made to know whether they were to be considered as in a state of neutrality if they confined themselves to the mere pecuniary succour stipulated in their treaty. Lord Grenville inveighed against the inattention paid to the three letters of the Spanish minister at this court, who could neither obtain access to the secretary of state, nor an answer from him to his repeated official communications. Such was the treatment shewn to a high-minded and most gallant nation, who plumed itself on the observance of etiquette, and whose pride was wounded by the slightest appearance of neglect! Such was the style of the negotiation which ministers could boast of as being free from reproach! Such was the moderation which they had shewn in this most delicate affair! Mr. Frere, by some unfortunate circumstances, had occasioned some irritation about this time, and he left Madrid and the affairs of his mission to his brother and secretary. Those who knew the character of that court must be aware that a more improper person could not have been selected than the person who was chosen—not from any personal cause of unfitness, but merely from the rank and station he had previously filled at the same court. But in this way the negotiation was managed until the cloud came over our heads and the thunder burst.

Admiral

Admiral Cochrane wrote home to say that there were three ships of the line apparently fitting out in the port of Ferrol. At the same time he wrote to Mr. Frere and to the governor of Ferrol. The Spanish government had at once and unequivocally declared that the sole object of this was to transport some troops to the Bay of Biscay where a rebellion had broken out; and at the same time the governor of Ferrol had said, that, as it gave him uneasiness, the men should be put ashore, and sent round by land, however inconvenient. Admiral Cochrane was not content with this, but said he should insist on receiving a detailed account of their being dismantled. Lord Grenville begged noble lords to make this case their own, and say what their feelings would be if such language were used to a British admiral commanding at Portsmouth, because he had chosen to send troops round the coast in a few ships of the line. Such was the commencement of our violence; and though a satisfactory answer, as he thought, was given; for he sincerely believed that they had no object in putting some few men and provisions on board these three ships, but really to quell the tumult in Biscay, it being much easier to send troops by sea than through that mountainous province; at a time too when they were labouring under the dread of a malignant fever; yet we proceeded to the violence of assaulting their ships on the high seas. This had been said to be no more than laying an embargo on an enemy's ships. Was there no difference? Was there no difference between delaying merchants' ships which might be delivered back, and assaulting ships on the high seas? There was a mighty difference. Stop the ships of a merchant, and they may be delivered up. Take his property, and he might be indemnified. Imprison seamen, and they might be discharged. But burn, sink, and blow up ship and crew, and who can restore the innocent blood that was spilt? There were some acts of hardship and severity which the laws of civilized war permitted, but this atrocious act of barbarity was contrary to all law of nations, and stamped indelible infamy on our name. The French branded us with the name of a mercantile people, and said that we were ever thirsting after gold. They would therefore impute this violence to our eagerness for the dollars. Better that all the dollars, and ten times the quantity, were paid, so as it could wash away the stain which had been brought upon our arms. At a time when we were armed to repel the atrocities of France, this was not a time to display such a spirit. He insisted that the seizure of the treasure ships had

had no resemblance to the stoppage of the Dutch ships, nor to the measure recommended by the Earl of Chatham in 1761. He deprecated the war in which this series of neglect, contempt and violence had plunged us. He denied that it was popular. A war with Spain, however easy ministers had shewn that it was to provoke and begin, was not so easy to get out of. If the stories that were floating were true, of desperate, mad, and romantic expeditions against Spanish America, he would prophecy that it would be a most calamitous war to Great Britain. He said that a more perilous and a more calamitous adventure for the sake of mere plunder could not be undertaken than such an expedition, either for the country that gave it birth, or for humanity in general. He concluded by saying, that he did not rise thus to discharge his duty from any motive of a wanton attack on the king's ministers, or to strive to destroy their popularity, but from a serious conviction that the war might have been prevented by common care on their part, and that it was totally unprovoked and unnecessary, so also would it be most grievous and unfortunate to the country.

Lord Hawkesbury replied to the noble lord; when the question on the original motion was called for, and carried in the affirmative without a division.

Adjourned at four o'clock in the morning.

HOUSE OF COMMONS.

MONDAY, FEBRUARY 11.

Mr. Owen, from the India house, presented certain accounts relative to the war that had broken out between Holkar and our government in India. Ordered to lie on the table.

Vicary Gibbs, esq. on his re-election, and two other members, took the oaths and their seats.

Sir W. Young, after a few observations, moved, that there be laid before the house returns of all the coffee imported into Great Britain from the British plantations in the West Indies, and the duties paid thereon, for the three years ending 5th January 1803, 5th January 1804, and 5th January 1805, distinguishing the separate amounts of each year; which, with several other accounts, were ordered to be presented.

On the motion of Mr. Creevey, it was ordered that the commission

commission of the commissioners for regulating the affairs of the navy (presented to the house on Thursday) be printed.

The loyalty loan bill was read a first time, and ordered to be read a second time next day.

Sir W. Scott gave notice, that on an early day, as soon as the pressure of public business would allow, he meant to submit a motion to the house, for the encouragement of seamen with respect to prize-money.

Mr. J. Fitzgerald moved that there be laid before the house accounts by all sheriffs, gaolers, &c. in Ireland, of all persons committed to their custody since July 1803, for seditions and treasonable offences, stating the causes of their confinement as expressed in the warrants. Ordered.

Sir Evan Nepean brought up the bill for suspending the habeas corpus act in Ireland. Read a first time, and after a few words from Mr. Grey and Sir Evan Nepean, ordered to be read a second time on Wednesday.

SPANISH WAR.

The Chancellor of the Exchequer moved the order of the day for taking into consideration the papers relative to the discussion with Spain, and also, that the additional papers, presented on the 2d, 4th, and 6th of February, be at the same time taken into consideration.

On the question being put and agreed to,

The *Chancellor of the Exchequer* rose. I feel infinite satisfaction, sir, (said the right hon. gentleman) that the day is at length arrived for entering into the discussion of this important question, in a way so well suited to the magnitude of the subject, and to the formation of a fair, a just, and an impartial judgment on the whole transaction; and though the bare perusal of the papers on your table would be abundantly sufficient to satisfy every rational mind of the justice and necessity of the present war, yet, considering the multiplicity of those papers; considering the nature and character of the transaction; considering also how important it is to his majesty's government, how desirable for the satisfaction of the house, to have every point set in its proper light, I shall enter minutely into the particular stages of the negotiation, and the successive conduct of his majesty's ministers, from the earliest commencement of the discussions, down to the period when they terminated in the rupture. I am anxious that the circumstances which led to hostilities should be fully and fairly investigated; and I think it little likely that, after such an investigation, any doubts can be

be entertained as to the ultimate justice of the grounds upon which the war has unfortunately taken place. But my anxiety is not confined to this point only, I am also equally anxious to prove, that through the whole progress of the negotiation, the conduct of his majesty's ministers had been exemplary for moderation, temper, and forbearance, so far as such sentiments could be acted upon consistently with the honour, the interests, and the security of the empire; and that they had not been wanting in measures of vigour and decision, when the circumstances of the relations of both countries rendered such measures necessary and unavoidable. The first part of this subject, to which I shall call the attention of the house, is a view of the relative situation in which Spain was placed by the rupture between France and this country. Here I must refer to the treaty of St. Ildefonso, concluded between France and Spain in the year 1796; and it is more particularly necessary for me to advert to that treaty, as in the consideration of the papers now on your table, there will be frequent occasion to advert to its provisions. It is therefore of importance to ascertain in the outset the nature and extent of those engagements, by which Spain was bound according to the terms of that treaty. I am sure I need not press further upon the house, that that treaty was defensive and offensive, when I state that each contracting party guaranteed to the other the integrity of their respective possessions; that it contained a stipulation for a contingent auxiliary force of a large amount, fifteen ships of the line, and twenty-four thousand men, a contingent falling little short of the whole amount of the disposable force of Spain, to be furnished by either party in case the other should be engaged in war. After this the treaty proceeds to state, and expressly in the eighth article, that the single circumstance of the demand of that contingent by either party, was sufficient to prove the necessity of the occasion, and the obligation on the other to supply the succours, without inquiry into the justice of the cause, without inquiry into the character of the war, whether offensive or defensive, and without the liberty of considering what means there might be for eluding the necessity of furnishing the succours. In the eleventh article it was stipulated, that in the event of the contingent succours proving insufficient, the party at war was to have the right of calling for the greatest possible force the other could supply, to be employed either jointly with its own forces, or separately in operations against its enemy. In the subsequent articles, it was stipulated, that in the case of both nations

nations being at the same moment involved in a war, the former stipulations relative to contingent succours should cease, and the whole force of both was to be employed in their common defence against a common enemy. I thought it necessary to state fully the nature of the stipulations of this treaty, both as it would be important to bear them in mind, in order to form a correct opinion on the conduct of his majesty's government throughout the whole transaction, and also with a view to obviate an attempt at reasoning, which had been adopted in some instances, and which had been particularly insisted on in one or two notes of the Spanish minister in this country, to prove that the treaty was not offensive but defensive. I desire the house to bear this circumstance in mind, because I shall hereafter have occasion to notice such reasoning, when I shall come to shew that the plain intent and obvious meaning of the treaty is borne out by the spirit, and that it is necessarily offensive and defensive. In what other light it can be viewed, I am at a loss to imagine, especially when viewed with regard to the situation in which Spain was placed by it, precluded from the right of asking the motives on which war might be entered upon; the right of consulting either its inclination or ability to furnish the contingent; in which, by the dictation of France, it was deprived of all those rights which necessarily belong to all independent nations. The stipulations of that treaty, if not formally and distinctly disclaimed by Spain, would have justified this country in considering Spain, from the moment when the rupture with France took place, a principal in the war. This opinion was founded on the indisputable rights of nations, and supported by the most celebrated writers on the laws of nations. When we find that in the treaty concluded in 1706 between France and Spain, there is no article binding on the latter but against this country, and that there is one article in it expressly directed against us, we have in this an offensive and defensive treaty, which, according to the soundest principles of the laws of nations, would justify our treating Spain as a principal in the war we carry on with France, from the moment the existence of such an article was intimated to us. But when we know the time and circumstances in which France dictated to Spain the terms of this humiliating treaty, when we are aware of the utter inability of Spain, under all its then existing circumstances, to have opposed any effectual resistance to the wishes of its overbearing ally, we cannot be at any loss for the motives of France in reducing Spain to such a degrading

vassalage, in order that, by depriving her of the power of consulting either her inclination or interest in her relations with other independent states, the whole weight of her strength and means might, on an occasion, be directed, in conjunction with those of France, against the power of the British empire. This was the situation in which his majesty's ministers found themselves when the aggressions and injustice of the present ruler of France forced them into the present rupture. This was the situation of the relations between both countries, when his majesty's ministers, actuated by sentiments which I cannot but applaud, resolved to delay their determination with respect to the light in which they should regard Spain, till they should see in what manner, and to what extent, Spain would be disposed to carry its observation of the terms of the treaty. In whatever light the treaty should be viewed, it could not be considered, on the part of Spain, but as a reluctant tribute to the overbearing dictates of its ambitious and tyrannic ally; yet, whilst stipulations so directly hostile to the interests and security of this country remained in force, no man, I am confident, in this house will deny, that it could only be attributed to extreme pusillanimity on the part of his majesty's government, if they had not required a clear, distinct, and explicit renunciation of the offensive articles: but the feelings to which I have alluded, for the degraded and humiliating situation of that country, and which so justly influenced his majesty's ministers on the occasion, dictated a spirit of moderation and forbearance in the measures they adopted with respect to a court of which, though an enemy, I am not disposed to speak with severity; at the same time that I cannot but admit that in its present state, it seems to possess very little of that honourable spirit, and those high minded sentiments, by which the Spanish nation has been so long characterised. On this ground I am convinced that the tenderness, moderation, and forbearance shewn by his majesty's ministers, from the impulse of such generous sentiments, for the degrading situation to which necessity, not choice, had reduced Spain, will meet with the decided approbation of the house. I state this particularly, because it was in the first instance deemed expedient to gain time, and the Spanish court seemed as desirous to get rid of their engagements as we were to detach them from their ally. But considering the situation in which Spain was placed, considering the situation and circumstances of Europe, considering also that the intemperate and precipitate conduct of the French

French ruler might compel Spain to take an active part with him in the war, the same sentiment to spare, the same generous feelings for its degraded situation, could no longer be suffered to influence his majesty's government to a perseverance in the system of moderation upon which they had hitherto acted. To act longer upon such a system, under such discouraging circumstances, would not be to give way to the influence of generous sentiments or honourable feelings, but to enable Spain, under the dictation of France, to accumulate resources, and armies, and fleets, and arsenals, to be at the disposal of France. France might at once demand the contingent of fifteen sail of the line and 24,000 men; she could moreover demand, that Spain should put into activity the whole force that she could command. At any moment it was in the power of France to call for the whole, either of the treasure of Spain or of the blood of her subjects, unless the contingent succours should be deemed sufficient; and for what purpose? the purpose of aiding the French in the war against this country: for a purpose announced at the very outset of the war, continued through every stage of its progress, and never once suspended but in practice;—for the purpose of destroying the power and independence of this country;—for the purpose of overthrowing this noble barrier against the encroachments of French ambition on the liberties and independence of mankind. (*Hear! hear! hear!*) These were the mixed duties which his majesty's ministers had to perform, duties the most difficult that the ministers of so great a nation as this could have to discharge, in tenderness to a nation forced to devote itself to ruin to promote the criminal purposes of our most inveterate enemy. I have perhaps dwelt longer on this topic than may be thought necessary, but I was particularly desirous of being explicit as to the nature of those relations of both countries, which it will be necessary to bear constantly in mind, in order to form a clear and adequate judgment of the whole conduct of his majesty's ministers. Having said thus much, I hope I shall go into a consideration of the papers, without perplexity, from the earliest stages, up to the termination of the discussion. Gentlemen have inquired, whether any instructions had been sent out to our minister at Madrid, to prepare the Spanish court for the conduct which we were about to adopt with respect to that nation. They will find by a reference to the papers, that so early as the month of October 1802, instructions, with a view to a possible rupture with France,

A a 2

had

had been sent out to Mr. Frere, by Lord Hawkesbury, the sentiments contained in which every man in this House cannot but approve (*hear! hear!*) as highly honourable to the government of this country, and no less favourable to the situation and interests of Spain. The leading points in these instructions were, to endeavour to separate Spain from France, in the event of a renewal of hostilities with France; or if this would not succeed, to endeavour to secure its neutrality, for the purpose of deferring its hostility as long as possible, as a matter beneficial to the interests of Spain and Great Britain. These instructions were explicit as to the line of conduct our minister was to pursue in the event of a renewal of the war at that period. These instructions he acted upon until he received Lord Hawkesbury's further instructions, dated 2d June. The house will be aware, that he had been before directed to demand a clear, formal, and explicit renunciation of the offensive treaty with France. His majesty's ministers renewed their instructions to that effect in the dispatch of the 2d June. [Here the right hon. gentleman read from the paper, No. I. in the first set laid before the house, the detailed instructions relative to the terms of the Spanish neutrality, and then proceeded]. Now, sir, I think it will not be difficult to prove that these instructions are founded on the principles of justice, and in the genuine spirit of the laws of nations. It will appear, if we examine them by these standards, that we stopped short of what we had a right to insist upon. As to the consideration of the limited succours, they had not been touched upon, because they had not been involved in the question; they had not been even brought into discussion, and of course formed no part of the subject, because we were not bound to acquiesce in them, unless Spain should explicitly renounce every other stipulation of the treaty, so far as they might give France a right to demand further succours. But even so, on the authority of the best writers on the laws of nations, we should not be bound to accede to such terms, and the bare existence of a treaty, for even limited contingent succours, would justify us in going to war, if Spain should refuse to renounce it explicitly. The question too, relative to the acquiescence in the limited succours, would necessarily depend on their extent, and the proportion they might bear to the whole force of Spain. A distinction, however, should be made between a treaty with an ancient and habitual ally, and a treaty aimed at the existence and independence of another nation.

Tha

That his majesty's ministers have acted wisely in reserving to themselves the decision of the question relative to the limited force, I am sure will not be disputed; neither can the propriety of their instructions to have them intercepted by our squadrons, should they attempt to proceed from port for the purpose of forming a junction with an enemy, be questioned, and on this obvious principle, that we are bound to prevent an enemy from receiving any accession of strength which we can intercept on its way to join him in hostile operations against us. But our minister was directed, if the Spanish court should furnish greater succours than the limited contingent, to leave Madrid, thus leaving the question of peace or war to be decided by the fact of increased assistance to the enemy. Here is an instance of moderation and forbearance, when his majesty's government could have demanded an absolute and unconditional renunciation of the treaty, or have made the refusal a just ground of war. That was the first stage of the business. The next passed at Madrid, in the interval between the date of these instructions, and the receipt of the answer to these overtures. Now, sir, it will appear, that till the dispatch of the 6th of July, received here on the 3d of the month of August, and containing Mr. Frere's answer to these instructions, together with an account of the proceedings which he had very properly taken at Madrid, without waiting for instructions, had been received here, it is vain to ask what further steps his majesty's ministers here had taken? Yet, in this interval, some explanations did actually take place between Mr. Frere and the Spanish government. On the 3d of June, Mr. Frere forwarded a dispatch, in which he mentions having had a conversation with the Prince of Peace, who in answer to a demand of explanation relative to the course Spain would take, and to the treaty of St. Ildefonso, had been perplexing in the extreme. This was evidence of a disposition on the part of Spain to elude or delay any explanation. Although he could not obtain any satisfactory information on the most important topics of inquiry, it appeared by Mr. Frere's dispatches, that there was an increasing ill-humour in the court of Spain, on the subject of the army assembled at Bayonne. Thus every thing up to this period bore evidence of the disposition of the court of Spain to comply with the wishes of his majesty's ministers. No formal demand had been made by France, for even the contingent, through the whole of August; nor was it till September that this demand

mand was made, and a disposition shewn by Spain to evade it. On the second of September, a communication was made by the Chevalier d'Anduaga to his majesty's ministers here, of the stipulations of the treaty of St. Ildefonso, which he represented to be not inconsistent with the neutrality of Spain, nor calculated to interrupt her relations of amity with this country. I ought to have stated, that about the same time M. d'Anduaga presented another note offering the mediation of his court to adjust the difference between this country and France. But I mention this only to shew, that up to this period his majesty's ministers had neither abandoned the lenient and moderate sentiments and principles on which they had acted, nor abandoned the language of generosity and conciliation which they had adopted at the commencement of the war. Here I cannot pass over a whimsical mistake into which M. d' Anduaga fell, with respect to the treaty of St. Ildefonso, by affecting to consider it not as an offensive and defensive treaty, but as composed of two treaties, applicable to different circumstances. All the articles up to the 12th he considers as forming the defensive treaty, applicable to the limited succours; and all after the 12th, the offensive, applicable to a period when both France and Spain should be at war. It is whimsical enough that that part which he calls offensive, is merely defensive, and *vice versa*. If a case should arise in which both should be attacked, there is nothing in the principle of a defensive treaty that could be violated by their contributing their whole force and strength for their mutual defence. But by the eighth article it is stipulated that, if France should be engaged in war, Spain should be bound to supply a certain contingent for carrying it on, without the liberty of inquiring into the grounds or justice of such war. If there be any thing that more completely falls within the spirit of an offensive treaty than such a stipulation, I am incapable of judging; and it appears to me that the reasoning of M. d' Anduaga on this point is a most whimsical instance of metaphysical distinction. Gentlemen will find that M. d'Anduaga carries his idea of the defensive treaty up to the 12th article; after which it is stipulated, in what he calls the offensive part, that if the limited succours should be found insufficient, Spain should be bound to put into activity her whole force. Why then, sir, if while France only was at war, such a demand should be made and acceded to, I cannot conceive any character of an offensive war, which would not belong to such a conduct. Unless, perhaps, another distinction should

should be here made, between putting their whole force into activity, and assisting with their whole power, a distinction which I own myself at a loss to conceive, as I know of no two propositions more completely synonymous. But M. d'Anduaga argued, that if France should insist even on the unlimited assistance, she would not get much by that; and why? because she would already have got all. (*A loud laugh.*)—But from all I know of the private character of M. d'Anduaga, I should be sorry to speak of him with disrespect, and I am certainly not disposed to think less favourably of him for the zeal he has shewn in promoting the object and views of his government. I mention his statement only for the purpose of answering the arguments it contains. In short, after the 12th Sept. Mr. Frere foresaw the probability that Spain would be forced to depart from the pacific system which it had till then acted upon. It is true, in his subsequent communications with the Prince of Peace, the possibility of maintaining the neutrality of Spain was still held out to him. But it may be said, that the Prince of Peace was in no ministerial situation. True, he was not, yet, from what he did at that time, from all we had known of him since, from his personal manifesto since published to the Spanish nation, from his manifesto issued separately from that of his sovereign, there was good reason to conclude that he had some weight in the direction of the public affairs. Up to this time no decision had been made relative to the stipulations of the treaty of St. Ildefonso, though the requisition of the French government had been made early in the month. And here it is important to attend to the circumstances that led to the final decision on this question, as far as they have come to our knowledge. We first learned that the French government demanded of the Spanish government, in lieu of the contingent, 24 millions of reals per month, about 240,000l. sterling; or three millions sterling per annum, a real being equal to the one hundredth part of a pound sterling; and this was the amount of the very sum which, after the ceremony of repeated demands on the part of France, and frequent remonstrances on the part of Spain, had been ultimately settled and afterwards increased. From the first moment of making such an extravagant demand, his majesty's ministers concluded that the grounds of neutrality of Spain were visionary. There appeared, however, no disposition on the part of the Spanish court, in the first instance, to give more than a fair equivalent for the limited succours. After the dispatch of the 12th, Mr. Frere, when he

he mentioned the demand, stated, that the Spanish government had declared it better to supply the contingent in kind, with a nominal declaration of war with Great Britain, in which case they hoped to be allowed by us to continue their relations with us, notwithstanding such nominal declaration. It will be unnecessary for me to shew here how far it would be unlikely that this government could accede to such an arrangement, or abstain from acting against Spain as a principal after such a declaration. I mention it but to shew that Spain wished only to give a fair equivalent for the limited succours. It will appear that Mr. Frere had required the government to state the nature and extent of their pecuniary engagements on this head with the French government. On the 20th Mr. Frere was informed that the French had reduced their demand to 700,000 livres, and that Spain had consented to give 600,000, either of which sums would have constituted a just ground of war. If the 700,000 livres demanded by France, or the 600,000 livres offered by Spain, would have justified us in going to war, what are we to think of the original sum of three millions demanded? Did not an engagement to that amount constitute a just ground of war? From this dispatch till the 9th of October, no further pecuniary demands were made; but a dispatch from Mr. Frere of the 9th of October states, that a convention had been agreed upon, stipulating the payment of 600,000 livres monthly, or of three millions annually, but that the other articles of the treaty were not known. It is important to observe here, that Mr. Frere had received a private intimation from the Prince of Peace, that he had agreed to the 600,000 livres, but it was afterwards stated by him, that he "had signed nothing yet," for the other demands of France were inadmissible. Here then was clear evidence, that Spain had agreed to pay the three millions per annum, clear evidence that further terms existed, which were not communicated to us, which, on a formal demand of a communication of them, was refused, and which, up to the period of the rupture, were totally unknown. Here, then, we may see the grounds on which the rupture took place. We might say to Spain, We have foreborn to exercise our rights with respect to relations between you and our enemies; you have made a treaty with our enemies, stipulating supplies for them that are a violation of your neutrality; you have entered into other articles which you refuse to communicate to us, thereby giving us a justifiable cause of war. Thus alike of what we know and what we do not know, alike of what we are told and what we

WG

we are not told, each contains a clear, distinct, and indisputable cause of war: unless it be said, that the three millions were but a temporary contribution. But it appears by a subsequent communication, that it was intended to be permanent, and as such I maintain, it renders Spain a principal in the war. I shall not take up the time of the house by entering minutely into this question. We are told, that it is only an equivalent for the succours stipulated: but we are not told, whether for limited or unlimited succours. The explanation on this head has been frequently called for, but it never has been received; yet I must admit that the language in the communications relative to this point favours the idea that it was intended as an equivalent for the limited succours. If then it was for the limited succours, it was an equivalent not proportioned to the revenue and ability of Spain. I have made on a rough calculation an estimate which will probably assist the house in forming an opinion on the nature and extent of this equivalent. We have told you, say the Spanish ministers, that the equivalent is regulated by a calculation of the expence of supplying our stipulated contingent. True; but when they told us of this calculation, they neglected to inform us of the principle on which the calculation was founded. The calculation might be made, considering the present state of Europe, with reference to different countries, to France, to Spain, or to England, and afford very different results. 'This we know, that from the circumstances of this country, from the nature and extent of the various branches of public revenue and expenditure, from the state of the comparative value of money, any calculation made with reference to England, will be admitted to be the highest possible. If 15 sail of the line, with all the expence of victualling, stores, pay of men, &c. were to be fitted out at the rate they cost in this country, they would amount to about one million sterling. Thus there would remain a sum of two millions for the expence of 24,000 men, which would yield an allowance of about 80l. or 90l. per man. According to rates in this country, a regiment of 1000 men, including officers, amounts to no more than 30,000l. about 30l. per man; and if we look to the rates and expences in other states of Europe, we shall find them much lower than this rate. From the treaty, which I have particularly looked into, concluded with the United States in 1788, I find that the rates of expence did not exceed 8l. or 9l. for every foot soldier, and 11l. or 12l. for every cavalry soldier. This calculation, taken in the fair and obvious light in which I have endeavoured to place it, would also of itself have furnished

nished just ground for a declaration of war. His majesty's ministers still were willing to interpret it otherwise, and continue to manifest their tenderness and forbearance towards Spain. But it soon afterwards appeared, that the Spanish government were only anxious to gain time, and to hold out circumstances different from the real state of the case. Mr. Frere, however, did not cease to represent the large amount of the subsidy, especially as furnishing the sinews of actual war, as a violation of neutrality, and a legitimate cause of hostility; and that his government would only abstain from entering upon actual warfare, on the supposition that it was merely a temporary expedient; and that if persevered in, it must necessarily afford a just provocation to war. For a still further time it was connived at by his majesty's government; not that its continuance did not argue an infraction of neutrality, but because it was judged good policy still to adopt and act upon a system of forbearance, at least for some time longer. His majesty's government, however, never receded from the right they possessed of holding that conduct as a just cause of war; and though they were willing to connive at it for the moment, they still held themselves at liberty to act upon it when fit, especially should the naval armaments be persisted in; and of this Mr. Frere gave positive notice to the Spanish minister in the month of July, insisting likewise, that British subjects should be placed upon an equal footing with those of France, and that the same concessions should be made to them in regard to sale of prizes. There was then given a full and distinct notice of what would be considered as causes of war; that the forbearance with respect to the subsidy would be only temporary; nor from that moment would any further attempts at naval armaments be viewed in any other light than as just provocation and cause of war. Such nearly was the tenor of the dispatches on these points, when it appeared likely that Spain would continue to furnish the subsidy of three millions to France; nor did circumstances vary the complexion of them till Jan. 1804, when Mr. Frere's instructions were somewhat altered. He then found that the convention between Spain and France was ratified; that the subsidy before due was paid, and that the amount of it was not diminished. Mr. Cevallos confessed that the convention was completely concluded, but professed a disposition to preserve peace and maintain good faith with this country. Mr. Frere insisted that the continuance of the subsidy must prove a cause of war, and that the amount of it must be ascertained.

ascertained. To this Mr. Cevallos made no satisfactory answer. He pleaded his ignorance of the amount of the subsidy; yet contended that it did not exceed the fair amount of what should be granted in military succour which was not objected to: thus persisting to argue upon what he acknowledged himself to be ignorant of.—The right hon. gentleman here went into a calculation of the true amount of the subsidy, or of the equivalent to be furnished to France, about which there appeared to be some difference of opinion, because at one time it was stated in livres, at another time in reals; but whether we looked to the one or the other, it would be found fully equal to three millions sterling. After farther dwelling, with much force of argument, on all the topics that had hitherto been discussed between the two governments; after insisting on the enormous amount of the subsidy, and the impossibility of allowing it to be continued to the same amount; and the disposition of his majesty's ministers still to cherish the hope of peace; he next adverted to the dangerous consequences which might ensue from persisting too long in such a system of forbearance. How deep and awful must be the responsibility of ministers (continued the hon. gentleman) if they were tamely to acquiesce in the representations of the Spanish government, if they were to permit such a force, and such means, to be placed at the actual disposition of the enemy, and thus facilitate their designs to invade Great Britain or Ireland, or both-countries! Such must have been the result of such tame or neglectful acquiescence.—But Mr. Frere again renewed the expression of his apprehensions respecting the armaments at Ferrol; and again he received assurances that no actual armaments were in contemplation. Things remained in this posture for some time. Mr. Frere continued, however, his remonstrances; to which no reply was given till the 22d of March, and which was received here only on the 8th of May. In this answer great endeavours were made to shew that the subsidy to France was not incompatible with the observance of neutrality, if the succours granted to France were granted in kind; and that neither should it be so, if the treaty granted it in money, which was merely an equivalent. But the reasoning on this point was wholly unsatisfactory, as well as on all the points respecting the convention. Mr. Frere then addressed himself to the Prince of Peace, from whom he had every reason to expect more full and satisfactory explanations: but the Spanish minister

B b 2

refused

refused to give any, and referred him to the secretary of state. With that minister he was to have had a conference, particularly respecting the terms of the convention; but it does not appear that such a conference ever took place. Nor can it be doubted by what influence it was prevented. The influence of the French ambassador at the court of Spain, controlling and overruling the authority of the Prince of Peace over the councils of that country, abundantly explain why it was denied. Now if such be the overbearing and predominating influence of Bournonville over the Spanish court, and if the Spanish government, obsequious to such imperious mandates, refuses us every insight into a treaty which so materially affects this country, has not Spain thereby made herself a principal in the war? Could his majesty's ministers acquiesce in such treatment and such a mode of proceeding? Would they not have surrendered every claim to common sense, every just regard to the interests and the dignity of the country? Mr. Frere, animated with that spirit, and guided by that good sense which so eminently distinguished him, entered his protest against such delay and equivocations, but could obtain no satisfactory reply. He still contended, that should such a sum as three millions sterling be continued to be paid to France, all idea of Spain's being neutral must be absurd. And what are three millions with respect to Spain? Is it not three-fourths of the whole of her revenue? Can that country be then supposed in a state of neutrality with another, to whose enemies it affords so large a portion of her means to enable her to make war against us? Suppose a war on the continent, and that we were a neutral power; could we well be considered as such were we to afford the aid of fifteen millions to one of the contending powers? Such pretended neutrality would be downright and direct hostility. At the time we remonstrated against such succours, and the influence exerted by Bournonville, we did not recognize the existence of neutrality under such circumstances, but only expressed the grounds on which we consented to a temporary forbearance. This is repeated for the sake of more correctness and accuracy; which, however, is surely not necessary to shew, that even on the 1st of May his majesty's ministers were fully justified in entering on a war. Still, however, new remonstrances were made respecting the armaments in the Spanish ports, and the refusal to give any satisfactory insight into the nature of the convention between Spain and France, all furnishing a just right of war:

war: but the system of connivance and forbearance was still adhered to, perhaps for reasons of policy, which it is now unnecessary to go into; and notwithstanding the unworthy and unprovoked treatment which Mr. Frere experienced from the Prince of Peace, yet no personal consideration could induce that gentleman to relax in his exertions. After a time, however, he thought it proper to withdraw from the Spanish court, under pretence of leave of absence, and it was still understood that we were to send an ambassador in his room, who was to enter anew into all the contested points. Mr. Frere, however, when on the point of withdrawing, sent in another statement, in which he repeated the wishes and the intentions of his majesty's government to preserve, as long as possible, the relations of peace with that of Spain, were the Spanish minister only to afford the satisfaction required. Things stood so, when a person every way qualified for the situation was to have been sent to succeed Mr. Frere; but in the interval all hopes of an accommodation nearly vanished, upon receiving advices from Admiral Cochrane of the more active continuance of the armaments in the ports of Spain, in defiance of the treaty of neutrality, and after repeated assurances of a determination to observe it. This, or nothing, must have been able to convince us of the hostile views of Spain, and admonished us of the necessity of guarding and acting against them. These advices induced the sending out of the order for preventing the treasure ships from entering their ports; for the intelligence was such as should not be delayed to be acted upon. Several sail of the line were equipped in one of their ports, and French and Spanish sailors were sent to man them; while French and Dutch ships were likewise equipping, in the same port, and preparing to act in concert with the enemy against this country. Add to this, that the Spanish packets were armed as in time of war, and that every thing indicated an hostile spirit and warlike preparations. Even then our moderation and forbearance were not exhausted; but our minister again repeated the solemn warnings that had already been so often given, but to no satisfactory purpose. What idea, then, could be entertained of our vigour or spirit, or resolution, if any further delay suspended our precautions, and allowed the joint force of the French, Spaniards, and Dutch, to act together, and perhaps prove too strong for our squadron on that station? a circumstance, however, not much to be dreaded, how far soever they might outnumber it;

it; but they might be enabled to facilitate the safe entrance of the remaining Spanish treasure ships into port, thus enabling the enemy to replenish his coffers, to pay his forces, and reinforce his fleets. If his majesty's ministers did not guard against such dangers, and protest against such proceedings, what defence could they set up this day, and with what face could they come forward to defend themselves against so strong a charge of criminal neglect and degrading pusillanimity? When these alarming accounts were received, and remonstrances were made upon them to M. d'Anduaga, that gentleman seemed at first to be unacquainted with the matter of complaint. But some days after the arrival of an Irish gentleman in the Spanish service, who had received letters from Spain, it appeared that there were some armaments carrying on at Ferrol, the only intention of which was to quell an insurrection in Biscay. This report M. d'Anduaga adopts on the word of the Hibernian colonel, without receiving any communications from his own court on the subject. In the mean time we, perhaps, were to allow these ships, with troops, to sail, and shape their course, not for Biscay, but for China. Was the passage by sea shorter than the march by land? was the expedition laid aside till the troops were wanted for Biscay? This excuse or explanation never occurred however to the governor of Galicia, or to M. Cevallos, till they had time to learn it from M. d'Anduaga, and from the London papers, in which that pretext was very industriously set forth. What was the answer of the governor of Galicia? we should feel no jealousy or alarm about the armament, it was only intended against Biscay. But when Mr. Frere pressed for an explanation, M. Cevallos hesitated, and had not a word to prove that the harmless expedition was destined for Biscay. The answer of M. d'Anduaga was also of a nature which could not impose upon any but the most shameless and contemptible dupes. But attend to the nature of the ships and of the expedition: if the troops were urgently wanted, why send them by sea and not by land? had Spain no smaller craft by which they might be more conveniently conveyed? Again, if it was necessary to send them by ships of war, why not convey them in the usual manner in ships armed *en flûte*? where was the necessity of loading them with guns? Were there not French and Dutch ships prepared to sail at the same time? And all those unaccountable appearances had surely nothing in them to create alarm, to excite jealousy! Besides, the Bay of Biscay is not
very

very well calculated to receive large ships : and would they be ventured on a passage to the most stormy sea, at the most stormy period of the year ? Could silliness itself listen to such a story ? Respecting the armaments in the other Spanish ports, there may appear some contradiction, but this arises from a difference of dates of the instructions from Cadiz and other ports. On these points it was unnecessary longer to dwell ; they must be clear to every unprejudiced mind. The intention of the armaments could not be understood ; futile were the attempts to explain them away. An order was issued to disarm ; but in what manner was it executed ? Just in such a manner as would allow the ships to be again rigged and manned in twenty-four hours. Then there is every possible evidence of an hostile intention against this country. Where did the principal armament take place ? In that very port where there were French and Dutch ships equipping at the same time ; and where they were preparing to sail together on some secret expedition. This was disavowed ; but what appears upon the face of the transaction ? If the necessity were genuine, as I have proved it not to be, no delay would have occurred ; days and weeks would not have elapsed before the order was executed. Yet notice of such a destination of the armament was here given by M. d'Anguaga, not at Madrid by M. Cevallos ; the governor of Galicia knew nothing of its being intended for Biscay, but ingenuously confessed that it was destined for a secret expedition. Such evident symptoms of hostility, and such paltry attempts to conceal them, could not for a moment impose on the most inattentive or credulous observer, and could need no further detection to lay them open to the house. Nor have his majesty's ministers done more than what the necessity of the case required. It will be now for them and for the house to follow up that war, since it is become necessary, with a vigour, a spirit, and an energy equal to the mildness and moderation with which they have endeavoured to prevent it. The same lenient spirit that marked the whole of our proceedings will, after the war is made unavoidable from a breach of the conditions upon which it might have been avoided, still incline us to keep open a door to enable Spain to tread back her hostile steps, and to restore us to friendship and peace with a country the inhabitants of which we have always esteemed. We acted towards them, even on the outset of the war, with the spirit infused by that sentiment, and have only stopped the accumulation of naval strength and of a naval force, that would be turned against us by the malignity

malignity and ambition of an enemy who seeks only his own aggrandizement at the expence of his supposed friends, as well as of his declared enemies. The right hon. gentleman then recapitulated his different arguments, and referred the question to the candour of the house ; after which he concluded by submitting the following motion to the house :

“ That an humble address be presented to his majesty, to acquaint his majesty, that we have taken into our most serious consideration the papers which have been laid before us by his majesty’s command, relative to the discussions which have taken place with the court of Spain.

“ That we observe with the greatest satisfaction, that, through the whole of the transaction, his majesty has carried his moderation and forbearance to the utmost extent, which was consistent with a due regard to the honour of his crown, and the interests of his dominions.

“ That, while we fully concur in the propriety and necessity of those prompt and vigorous measures of precaution which his majesty found himself compelled to adopt in consequence of the naval armaments fitted out by Spain, we see at the same time a fresh proof of his majesty’s earnest desire to avert, if possible, the extremity of war, in the fresh opportunity which he even then offered to the court of Spain to enter on pacific negotiation.

“ And that, impressed with these sentiments, and fully convinced of the justice of the war, which the conduct of the court of Spain (evidently under the influence and control of France) has rendered unavoidable, we shall not fail to afford his majesty our most zealous and cordial support in every measure which may be necessary for prosecuting the war with vigour, and bringing it to a safe and honourable termination.”

Mr. Grey rose, he said, oppressed and overpowered by the sense of the numerous details into which it would be necessary for him to enter, in order to confute the various fallacies of the right hon. gentleman who had just sat down ; details as extraordinary for the magnitude of their extent as for the importance of the objects which they embraced. To lessen the arduousness of the task, and to trespass as little as possible upon the patience of the house, he should touch but very lightly on those parts of the subject in which no material difference of opinion existed between him and the right hon. gentleman, and confine himself principally to the points in which they were completely at variance. Of the former description was the character of the treaty of Ildefonso. The right hon. gentleman had taken a great deal of pains and displayed a great deal

deal of talent in proving what he was willing enough to admit, that this treaty was clearly an offensive as well as a defensive one, and that if not renounced by Spain, or the conditions of it explained in an unambiguous manner, and one that should be completely satisfactory to this country, it indisputably became a just cause for declaring war against her. At the same time that he made this admission, he by no means agreed with the right hon. gentleman in opinion, that the arguments urged by M. d'Anguaga in his explanation of the tendency of this treaty were so void of weight as he seemed to imagine. These arguments strongly evince the desire of Spain to limit that which had originally an offensive meaning to one purely defensive, and could this construction of the treaty have been maintained, it might certainly have proved equally advantageous to both countries. In his own mind, he was most decidedly of opinion, that it was the true policy of this country to have remained on good terms with Spain. As far as he could collect it from the strange, uncertain, indistinct mass of documents, which had been laid before the house on this subject, it seemed at one period to have been the original opinion of government. He thought it would have been the policy of this country to maintain a good understanding with Spain, although that country were to have allowed to France the contingent or the substituted pecuniary succours. In his opinion, the subsidy, which the right hon. gentleman, in alluding to it, had considered as totally out of the question, might have been acquiesced in with perfect safety and propriety, provided the other points on which he had allowed we were entitled to expect satisfaction, had been explained in a manner calculated to remove all uneasiness on our part. Perhaps we may soon be called upon for a subsidy for the defence of Portugal, which, in those circumstances, would have proceeded from the treasury of Spain. Persons in the situation in which he was, were not able to procure all the necessary information; but he would contend, and he was convinced it would be allowed by every impartial man, that his majesty's ministers possessing, as they must, the most extensive and multifarious information, flowing in upon them from a variety of sources, ought to have decided among themselves the question of the policy of preserving peace with Spain, and then have declared to that country the exact boundaries of the neutrality beyond which she could not be allowed to pass. He would follow, or endeavour to follow the right hon. gentleman through the intricate labyrinth of his arguments, as well

as his recollection and his ability would permit. But he would take the liberty to remark previously on the strange fact, that, antecedent to the 2d of June, not a single dispatch appears from Lord Hawkesbury to Mr. Frere, communicating to him instructions by which his conduct to the court of Spain was to be regulated. It was strange too, and it seemed to him most highly culpable at the time when hostilities commenced between this country and France, and when our government must have been fully acquainted with the connexion that subsisted between France and Spain, that no attempts were made to ascertain the real disposition of Spain, and to endeavour to fix her in a determination of neutrality. The first document to which the right hon. gentleman had alluded in his speech, was that memorable dispatch of Lord Hawkesbury to Mr. Frere, dated the 2d of June 1803. He had been curious to hear how the right hon. gentleman would defend that paper. We had been told by him, that it proved the vigilant attention of ministers by the precision with which it marked out to Mr. Frere the line of conduct he should adopt. When he first read the title of this paper, it was with great expectation, an expectation which was increased by the perusal of the two or three earlier paragraphs; but on looking still farther, some positive points having been stated with regard to the assistance demanded by France from Spain—but he would read Lord Hawkesbury's words: "If the Spanish government should state to you that they conceive themselves to be under the obligation to furnish to France ~~the~~ the number of troops and ships which are stipulated in the treaty of St. Ildefonso; but that their co-operation will extend no farther"——What then? Here is a foreseen case; had any thing arisen not foreseen, an opinion might have been directed to be withheld; but here, upon this case, in which the circumstances that must influence a judgment are distinctly pointed out, Lord Hawkesbury goes on to say, "you will refrain from giving any opinion on this measure, but will content yourself with signifying, that you will transmit the information of it to your court." Here is a satisfactory dispatch! It commences with professing to inform our minister how he is to act, and, in continuation, directs him to refer again to his own court. This truly was but a very inauspicious opening to this negotiation. So early as the 3d of June 1803, we find Mr. Frere beginning to demand explanations in a note to M. Cevallos, and in a dispatch soon after to Lord Hawkesbury he mentions his answer. This, by the way, he would observe, was one of the many communications, which but
for

for the motion he had submitted to the house would never have been produced on their table. Notwithstanding that motion, however, no dispatches had appeared from our government to Mr. Frere, between the 2d of June and the 24th of November. The right hon. gentleman had endeavoured to shew that there were no circumstances during that period which required that fresh instructions should be sent to Mr. Frere; but this appeared to him to be by no means clearly established. It was surely very material at a time when Spain was engaged in a negotiation with France, the avowed object of which was to settle the amount of the pecuniary succours which she was to contribute in lieu of the contingent of troops and vessels, that our minister at the court of Madrid should have been put in possession of the most ample and minute information of the way in which he should conduct himself to that court. Mr. Frere's dispatches of the 5th and 15th of August, which were received on the 12th and 20th September, must have sufficiently apprised ministers of the urgent demands made by France on Spain, to furnish either the contingent or the pecuniary succours in lieu of it. Was it not incumbent on our government to enter seriously into the discussion of this most important question, and to have communicated to Mr. Frere the result of their consultation, that he might know decidedly how to act? But instead of this, after hearing of the French negotiations at Madrid, the administration of this country sent not a single instruction to Mr. Frere, from the 2d June to the 24th of November, but left him to conduct himself entirely at his own discretion. In that time he might have unadvisedly committed the country in the most serious and irrevocable manner. To him there appeared, in this interval, the most unpardonable remissness in the minister for the foreign department, a remissness which, in his mind, no explanation could extenuate. As the right hon. gentleman had passed lightly over the circumstance of the conveyance of French troops through Spain to Ferrol, he would follow his example, although he had considerable doubts in his mind whether there existed any thing in that transaction which could be construed into a breach of neutrality. We now come to Lord Hawkesbury's dispatch to Mr. Frere, dated 24th November 1803, on the great importance of which the right hon. gentleman dwelt with peculiar emphasis. This dispatch was occasioned by letters received from Mr. Frere, dated the 9th and 11th of October, in which the treaty between France and Spain is stated to be

in the act of negotiating. The right hon. gentleman had laid considerable stress upon what he called the precise instructions contained in this dispatch to Mr. Frere. To him the principles it contained appeared so intolerable, that the most violent infractions of the law of nations by that power against whom the right hon. gentleman had so frequently thundered his anathemas, were moderate in the comparison. He must, in the first place, observe, that though Lord Hawkesbury had been perfectly aware of the treaty carrying on between France and Spain, he had not previously insisted on any explanation of that treaty, or of the circumstance of the passage of French troops through Spain to Ferrol. In this dispatch of the 24th of November, Lord Hawkesbury thus expresses himself—"The preservation of peace with Spain has, from the period of the commencement of the present war, been the constant object of his majesty's policy, but the Spanish government must themselves feel that this object can only be attained by their earnest endeavours to do every thing which depends upon them for the maintenance of a fair system of neutrality, and by their causing that neutrality to be respected by the other belligerent powers. When the question therefore occurs—" (The question had occurred, and Lord Hawkesbury knew it had occurred.) "When the question therefore occurs, how far his majesty would consent that the Spanish government should purchase their neutrality by an advance of pecuniary succours to the French government, and would still regard them as neutrals, this must be considered as in some degree depending on the amount of the succours so to be advanced, and likewise on the determination of the Spanish government to insure their neutrality in all other respects; for at the time when his majesty might be disposed to disregard any small or temporary advance of money, if essential for the attainment of such an object, it would be impossible for him to consider a permanent advance to the extent of that stated by you in any other light than as a subsidy to the French government, and as possibly the most effectual assistance which the Spanish government could afford them for the prosecution of the war." What should naturally follow all this? Why, that if the terms were not agreed to, a declaration of war must ensue. Our government should have described with accuracy the limits beyond which they would not allow the conduct of Spain to pass under the name of neutrality, and should have fully authorized their agent at the court of Madrid to declare war, should the conditions not be

be complied with. Lord Hawkesbury goes on—"His majesty can only be induced to abstain from immediate hostilities in consequence of such a measure, upon the consideration that it is a temporary expedient from which the Spanish government are determined to extricate themselves as soon as possible, and that his majesty must be at liberty to consider a perseverance in the system of furnishing pecuniary succours to France, at any future period when circumstances may render it necessary, a just cause of war."—Mr. Grey requested that gentlemen would attend particularly to this part of the question, as it was one of the most important in the whole discussion. If the principle contained in this dispatch be admitted, there would be an end at once of all public faith and national security. What is this principle? That having once a justifiable cause of war, explanations may be suspended, and a right reserved to go to war whenever convenience may require! Is this compatible with the good faith and national honour that the right hon. gentleman so frequently talks of? If you once suspend a cause of complaint, and do not at the time make it a ground of immediate war, common justice and the law and practice of nations require that you must again bring that complaint under discussion before you declare war. Our ministers had assumed a great deal of generosity in their treatment of Spain, when, in fact, they had placed her in a situation worse than that of a hostile army in a truce. He called on gentlemen to say whether this could be maintained? If the right hon. gentleman's arguments did not go to establish the principle he had repeated, he did not know at what they aimed. These instructions produced a new negotiation at Madrid between Mr. Frere and M. Cevallos. In one of Mr. Frere's dispatches, he laments the ignorance in which he is left by his court, and talks of the "air of superior information" with which M. Cevallos addressed him. He sincerely sympathized in Mr. Frere's feelings on this occasion, and most decidedly condemned the conduct of the administration that had placed him in so awkward a predicament by their culpable neglect. In an account of a conference that Mr. Frere had with M. Cevallos, as related in the dispatch of the 27th of December, in answer to the demand of the Spanish minister, "whether the affording the pecuniary succours to France would be considered as a ground of war, and whether he was authorized to declare it," he says, "that he was so authorized, and that war would be the infallible consequence." Where did Mr. Frere get this determined tone? Not

Not in his instructions from Lord Hawkesbury, for in them he is confined to "protesting." It is very strange if he took it on himself to speak so decidedly without authority. Mr. Frere's note of the 13th December contained demands for explanation on two points, the subsidy to Spain, and the admission of French troops into Spain with a view to the danger of Portugal. M. Cevallos's answer states, that the pecuniary succours had been afforded to France, expressly to avoid hostilities with Great Britain; and he cites a conference M. d'Anduaga had held with Lord Hawkesbury, in which the English minister had not declared any objection to the furnishing of this equivalent. With regard to Portugal, he observes, that Spain had concerted measures for her security. Not satisfied with these explanations, Mr. Frere, on the 26th of December, addressed a note to M. Cevallos, couched in terms of unaccountable boldness, in which he repeats his demands. In Mr. Frere's note of the 18th February, though he knew the subsidiary treaty of Spain with France was concluded in September, he couples it with the armaments, and demands an ultimatum on these subjects in the most decided language. In spite of the sophistry of the right hon. gentleman, who had endeavoured to shew that there was no agreement between Great Britain and Spain recognizing the neutrality of the latter power, yet what is there that can constitute an agreement if this does not? If in discussion you state certain conditions without which you will not agree, it is surely implied that if those conditions are not violated, the compact is formed. Now in the conference that Lord Hawkesbury had with M. d'Anduaga, this was precisely the case. In a subsequent dispatch Mr. Frere gives an account of two conversations with the Prince of Peace. He pressed several points which he afterwards made the subject of a formal note to the Spanish court, to which he received an answer, on which the right hon. gentleman had commented most severely. If this answer was so dissatisfactory, why did not Lord Hawkesbury see M. d'Anduaga and tell him so, and repeat to Mr. Frere his positive instructions? In a note to Mr. Frere from M. Cevallos, dated the 22d March 1804, he adopts the language of Mr. Frere's note of the 18th February, and intimates that the British government had recognized the neutrality of Spain on certain terms. In the dispatch from Mr. Frere to Lord Hawkesbury of the 18th April, in which this note is enclosed, he says, "As there is nothing in any note of mine which could be brought forward as a foundation for such

such a conclusion, I have not thought it worth while to enter any protest in answer to M. Cevallos's insinuation." It certainly was Mr. Frere's duty to protest against this assertion; it was his duty, for the sake of his own credit, for the honour of his country, and for the security of Spain. The hon. gentleman said he could not express his indignation at his conduct, in not doing so, in language sufficiently strong to do justice to his feelings. He compared it to the case of a man who having quarrelled with his neighbour, allowed him to imagine that the breach was healed, and of course to neglect the necessary provision for his defence, while he himself was busily employed in seeking counsel, summoning witnesses, and using every means of insuring success. But to this remissness, which in this case attached to Mr. Frere, and during the whole of the negotiation to Lord Hawkesbury, was to be attributed the war in which we were plunged, and the dishonour by which our national character was stained. In M. d'Anduaga's note, the terms on which it was imagined the British government would consent to the observance of neutrality were distinctly stated; if to these terms Lord Hawkesbury made no objection, the inference was clear that they were consented to. From January 21 to the time Lord Hawkesbury went out of office, no dispatches appeared. At that period a faction, as it had been called, combined; the administration was amended much in the same way as bills were sometimes amended in that house, and to carry on the simile, he hoped that house would soon exercise the power of repealing it. Thus did Lord Hawkesbury remove without another word, retaining, no doubt, in his dying moments, the most pacific disposition; at least there did not exist a single line farther to disprove such a disposition, and it was probable that the old proverb, "silence gives consent," was verified in this case. Then began Lord Harrowby's administration, in the first part of which a similar remissness prevailed, which was afterwards aggravated by steps of the most unjustifiable haste and violence. With regard to the order given by Lord Harrowby to Admiral Cochrane, on his receiving intelligence that the Spanish fleet was arming in Ferrol, to blockade that port, it was perfectly justifiable. Two dispatches existed of the date of 29th September, from Lord Harrowby to Mr. Frere; one containing ostensible, the other private instructions, both warranting him to break off negotiation, and quit Madrid, if his demands for the disarming the Spanish ships were not complied with. To the
note

note which Mr. B. Frere addressed on this subject to the Spanish government, he received what he chooses to term an unsatisfactory answer, but which certainly contains as complete a satisfaction as language can convey. It stated that whatever information the British government might have received, yet that the armament had been but trifling, and that it should cease. In fact it had ceased at that time. That Mr. B. Frere thought this reply satisfactory, appears clearly from his remaining at Madrid, which otherwise he could not have done without disobeying his instructions. On the 29th September Mr. Frere received instructions to make further representations on the subject of armaments; that is, on what no longer existed. He did so, and the reply was an utter disclaiming of all armament injurious to Great Britain, stating the improbability of such a thing after the agreement by which the neutrality of Spain had been acknowledged by Great Britain. Mr. Frere then, for the first time, denies the existence of any such agreement, or recognizance of it, though in a letter to Lord Harrowby he had spoken of it; and he asserts the monstrous proposition that Great Britain has a right to declare war on any armament that Spain may make, for whatever purpose. He then required that the Spanish ships should be placed on the same footing on which they were before the convention, and on no account that any addition should be afterwards made to them. On the refusal of Spain to comply he demanded his passports. Surely Mr. Frere must have exceeded the bounds to which his instructions authorized him to proceed; there was no cause for his abrupt proceeding, unless in the interim he received advice of the unfortunate event of the seizure of the Spanish frigates: an event indeed doubly unfortunate, first, in the loss of so many innocent human beings; and secondly, in the indelible stain on British good faith and honour. At length passports were granted to Mr. Frere's urgent and repeated requests, and so the negotiation ended. The hurry with which Mr. Frere quitted Madrid, and the unwillingness he evinced to receive any further explanation, reminded Mr. Grey of a scene in the Rivals, where Sir Lucius O'Trigger, in a dispute in which his friend Acres is engaged, shuts his ears to all accommodation, exclaiming, "It is a very pretty quarrel as it stands, and if you say any more you will only spoil it." He had shewn how much blame attached to ministers for their indecision in an early part of the negotiation, as to their true policy with regard to Spain, and for their shameful reserve to that country with

with respect to their intentions; but the last violent outrage committed in the seizure of the frigates, filled up the measure of their iniquity. On the very day that the government had received advices from Admiral Cochrane, stating the armaments at Ferrol, did they give these unjust and infamous orders. He was far from insinuating any thing against the gallant admiral, but a number of causes might influence his opinion. Contradictory information was received from Sir E. Pellew and Mr. Duff. There could be no doubt that the preparations at Ferrol were intended for Biscay; Carthage was ravaged by disease, and at Cadiz there were no stores of any description. If the armament was hostile, why was it discontinued? France would not willingly have consented to the discontinuation in that case. A wide distinction was to be noted between justifiable precaution, such as that at Ferrol, and unjustifiable precaution, or rather hostility, such as the detention of the Spanish frigates, a proceeding which afforded the most flagrant instance of a violation of every law of nations that the annals of violence and outrage could furnish. Mr. Grey concluded his speech by recapitulating his principal arguments, and then moved the following amendment to the original address:

“ To return his majesty the thanks of this house for the communications made to us relative to the rupture with Spain.

“ To express our entire conviction that the existence of an offensive treaty between France and Spain would have entitled his majesty to consider Spain as a principal in the present war, unless the obligations of that treaty were renounced, or their execution disclaimed; and to assure his majesty that we shall at all times be ready to support him, in giving effect, so far as the interests of his dominions may require, to this just and undisputed principle.

“ That we observe, however, that his majesty was advised to waive the exercise of this right, in order to negotiate with Spain, for the maintenance of her neutrality. And that, without taking upon ourselves in the present moment to decide a question of policy depending so much on circumstances of which we are still uninformed, we acknowledge with gratitude this proof of his majesty's paternal desire to have prevented the further extension of the calamities of war.

“ But that we beg leave humbly to represent to his majesty, that the execution of these his benevolent wishes indispensably required from his ministers the adoption of some just, intelligible, and uniform principles of negotiation, de-

clared in the outset with frankness, and readily pursued to its conclusion; followed up by an unremitting attention to every new circumstance arising in the progress of so important a discussion; and accompanied by the most scrupulous care that all engagements resulting from it should, on the part of Great Britain, be defined with precision, and performed with unquestionable good faith, moderation, and integrity.

“ That we have, on the contrary, seen with regret, in the whole conduct of this transaction, the clashing effects of undecided, equivocal, and contradictory policy. That the wishes for peace professed in the outset by his majesty’s ministers, have uniformly been counteracted by their studious endeavours to keep alive both the cause and the menace of war; a purpose equally inconsistent with justice and with wisdom, destructive of all confidence on the part of the power with whom they treated, and incompatible with the object for which they were negotiating. That during the whole course of those discussions, while they were continually soliciting from Spain unreserved communications on points of mutual interest, their own indecision prevented them from returning a distinct statement of the terms on which Great Britain would consent to recognise the neutrality of that power. That their ground of negotiation was repeatedly shifted, their demands varied, and their concessions undefined; and that although some agreement appears at last to have been concluded, neither its date nor its conditions were ascertained with precision; yet both are repeatedly referred to, by the British, as well as the Spanish ministers, and the breach of those very conditions is alleged as the motive on the part of Great Britain for her actual commencement of hostilities.

“ That the omissions and defects which distinguish those transactions, as well as the fatal consequences to which it has led, can only be ascribed to the erroneous principle on which it was grounded, and to the criminal and almost incredible negligence with which it has been conducted. That it is particularly our duty to represent to his majesty, that in a negotiation for peace or war between Great Britain and Spain, carried on principally at Madrid, no instructions were sent to his majesty’s minister at that court, from the 2d of June to the 24th of November, in the year 1803; from thence to the 21st January, in the year following; nor again from that date to the 29th September. That in the first of these intervals, being little less than six months, the negotiation for a treaty of neutrality between France and Spain was begun, continued,

nued, and concluded; yet not the smallest information was, in that long time, given to Mr. Frere of the light in which that negotiation was considered here; of the language it was proper for him to hold; or of the measures it might be necessary for him to take; although frequent communications were made to him on the subject by the Spanish government, who appear to have been disposed to pay great attention in this instance to any representation from Great Britain.

"That during the last of the above-mentioned periods; the same minister, though left again for many months without any instructions whatever, negotiated and concluded some agreement with Spain on this most important subject, of which agreement no opinion was ever expressed to him from hence, either before or after its conclusion; nor does it even now appear, from any official documents, whether the same was meant to be allowed or disallowed, ratified or rejected, by the British government.

"That we feel ourselves compelled to express to his majesty, that in the farther progress of these transactions, the indecision and neglect of his government were succeeded by precipitate resolutions and acts of violence equally injurious to the honour and interest of his kingdom.

"That we should have applauded any endeavour by firm and temperate representation to extricate our relations with Spain from the confusion in which they had been involved, and to bring them to a distinct issue of acknowledged neutrality or decided war, but that we find no trace of any such attempt. And that in the middle of September, on the first intimation of supposed movements in the Spanish ports, acts of hostility were decided on by his majesty's government previous to all complaint, and executed without notice during a period of amicable negotiation.

"That the dispositions of Spain appear, from the information of his majesty's minister at Madrid, to have continued up to that moment friendly to Great Britain; and that the conduct of his majesty's ministers, in having under such circumstances anticipated all explanation by concealed orders for an attack on Spanish ships, property, and subjects, cannot be justified on any ground of public law, much less reconciled to those principles of moderation and liberality which belong to the British character, and which in the present situation of Europe it is peculiarly the duty of this country to maintain inviolate.

"That on reviewing the discussions which immediately preceded

D d 2

preceded the present war, we cannot but represent to his majesty the essential difference between the conduct of the person left in charge of his majesty's affairs at Madrid, and the tenor of the only instructions under which he appears to have acted. That the explanations given to that gentleman by the Spanish government, though not in all points adequate to the just expectations of this country, were yet such as ought manifestly (according to those instructions) to have determined him to wait at Madrid for the arrival of an accredited minister, authorized by his majesty to arrange with that court all points of difference. And that we have therefore seen, with equal surprise and indignation, the final decision of his majesty's ministers, not only to adopt the inconsiderate resolution taken by the king's representative in withdrawing himself from Madrid, but also to treat with utter disregard the subsequent offer from the Spanish minister at this court to pursue the same discussions here—an offer which, if accepted, might probably have led to a satisfactory conclusion on matters upon which the two courts were so nearly agreed. That while we have thus thought it our duty to represent to his majesty the errors of his ministers in the conduct of this important transaction, and the fatal consequences which have resulted from them, we beg leave to repeat our humble assurance, that we are ready to support his majesty to the utmost in every measure necessary to assert the rights and vindicate the honour of his crown—objects which can never be successfully pursued by negligent and undecided councils, nor attained by the violation of engagements on which those with whom we treat have rested their security."

Lord Castlereagh felt no necessity to follow the hon. gentleman through all his details and arguments, when he recollected the able and animated speech made by his right hon. friend who opened the debate. Of whatever blame could be imputed to the government for their conduct towards Spain, he was very ready to take his full share. He was happy to find the hon. gentleman agreed with government on the construction to be put on the treaty of St. Ildefonso. Indeed he went as far on this subject as could be wished by any one; he allowed that no treaty going to the length that this does could be called inoffensive. When the hon. gentleman had made this allowance, he was surprised to find him follow it up by observing, that he considered it would have been highly proper for this country to have obliged Spain to come to some

some distinct explanation. He was more surprised at this, because the hon. gentleman agreed to the policy of keeping Spain neutral, so much so, that he conceived a subsidy of three millions annually not too great a price to pay for Spanish neutrality. But what increased his surprise to its greatest height was, that the hon. gentleman, after commiserating the unfortunate and dependent situation of Spain, could think it expedient to press for an explanation which must have driven her into a war with one power or the other. The hon. gentleman had contended, that when Lord Hawkesbury sent his first instructions to Mr. Frere, he should have been fully prepared to say, whether if the pecuniary succours were afforded we should deem it a just cause for immediate war; but this would depend on circumstances which could only be ascertained at Madrid, and could not be foreseen. Among other omissions with which government had been charged, was that of the notes of M. d'Anduaga to the secretary of state; they were of little authority, being without date and signature. Nothing too was so fatal to the cause of peace, as a double negotiation. Mr. Frere having been instructed how to act, Madrid was the proper theatre for the discussion. The hon. gentleman had intimated, that in the conferences which Lord Hawkesbury had held with M. d'Anduaga, a kind of agreement was tacitly allowed with regard to the conditions of neutrality, but this idea originated in the misapprehension of the Spanish ambassador. With regard to the substitution of pecuniary succours for a contingent of troops and vessels, he could by no means agree, that a nation which had covenanted with another to afford moderate succours, was at liberty to convert these succours into money, without the consent of the power against whom the succours were to be employed. By converting the aid into money, those against whom it was to be turned were deprived of those means of attacking and seizing it, which they would have if it were applied in the shape of ships and men. It was allowed by the hon. gentleman, that in the first instance there was sufficient ground for bringing matters directly to the point of peace or war; consequently, if the government had done nothing to give up this right, it still remained. It was clear, that as far as related to the conduct of the government at home, nothing had been done that could be construed into a resignation of the right. In the whole of the transactions with Spain, the right had never been suffered to merge; and Lord Harrowby, in his instructions to Mr. Frere to bring the question to the last trial,

trial, shewed clearly that he considered the right as never once lost sight of. If, therefore, Mr. Frere had done any thing at Madrid, any thing amounting to an agreement of this nature, he must have done so in direct violation of his instructions. He next proceeded to shew from Mr. Frere's dispatches, that he had constantly kept in view this part of his instructions, and that he had always considered it as a most essential point to give no pledge or engagement which would bind his majesty to respect what he always considered as an uncertain and unsubstantial neutrality. He then proceeded to shew, that it was equally wrong to suppose that Mr. B. Frere acknowledged such an agreement or convention. In his note to M. Cevallos, in which he used the word convention, he expressly denied that the neutrality of Spain had ever been agreed upon, or ever mentioned in any of the communications from his majesty's minister, so as to give reason to expect it would be recognized. All that had been proposed on our part, amounted to nothing more than the statement of the conditions on which we would consent to a forbearance from war for the present, and to enter into negotiation on other points. But never had any thing been said, that could give countenance to the hope of our respecting a neutrality so nearly connected with our mortal enemy. Mr. B. Frere considered the relation between us and Spain only as a suspension of hostilities; and, therefore, when he used the word convention, it was in a very different sense from that which some gentlemen supposed. The mere assent of Spain to these primary conditions of forbearance, was not sufficient to constitute an agreement of neutrality, nor could it be expected by Spain that we would give so great a boon for such inadequate concessions. If silence were to be construed into consent on our part, it might as well be argued that Lord Hawkesbury's silence gave consent to M. d'Anduaga's construction of the treaty of St. Ildefonso. Surely it would not be said, that every thing that was not formally contradicted was therefore admitted and recognized. But even if a formal agreement had existed, it must necessarily follow that any deviation from the terms of that agreement would leave us at liberty to go to war. The conduct of Spain with respect to the armaments in Ferrol was a direct breach of the agreement if such an agreement had existed, inasmuch as it was contrary to the first condition required. He agreed that Spain was forced into the transactions we complained of, by France. That consideration was the cause of all our forbearance :

bearance: but when there was reason to think that France was about to exert its tyrannic influence further, to drive Spain into a general war against us, and that the armament preparing by Spain was designed to carry reinforcements to her foreign possessions, to render them more secure from us in the event of a war, it became our duty to take care that, if we were to go to war with Spain, we should not have to commence hostilities under circumstances of such disadvantage. The arguments which the hon. gentleman used on this subject went counter to the whole language of the Spanish government. That government allowed the existence of the armament, and the disturbances in Biscay were assigned as the cause, to which object the forces were applied, when, from the conduct pursued by his majesty's government, it became necessary to abandon the expedition. Repeated notices had been given to Spain, and every care had been taken on our side to prevent the effusion of blood, and to avoid hostile collision notice had been given of the removal of ships of war from one port to another, and if notice was not given of the intention to detain the treasure ships it was, as Lord Harrowby very properly said, because the communication would be useless to Spain if it did not reach that country in time; and the design would be rendered abortive if it did. The whole essence of the instructions given to Mr. Frere was to obtain security for the conduct of Spain, and endeavour by all consistent means to bring the negotiation to an amicable issue. But while M. d'Anduaga promised a strict and faithful neutrality here, British ships were seized in the ports of Spain, and a declaration of war published at Madrid. (*A loud cry of bear! bear! from both sides.*) Indeed, through the whole negotiation, M. d'Anduaga did nothing more than go over what had already been discussed with Mr. Frere at Madrid, with this difference, that M. d'Anduaga fell into some mistakes. Thus, whatever reasoning was contained in his note, war was declared by Spain on the ground of her alliance with France; and on that ground only. The substance of her convention with France was, that she should put the government of that country in possession of half her resources; and no greater proof need be required how much Spain is under the dominion of France, than the apprehension which she had of the danger of disclosing the terms of the convention. He therefore thought himself fully borne out, when he sat down in the full conviction that the influence of France was the

the cause of the war, which this country had most studiously and perseveringly endeavoured to avoid.

Lord Temple allowed that this country had a right to demand a disclaimer of the treaty of St. Ildefonso, or to declare war on the refusal of that disclaimer. But the point ought to have been brought to a decision. If the disclaimer had been refused, and a war had arisen in consequence, we should at least be at war upon just grounds. When the consideration of policy was superadded, (and he trusted that in every war between this country and France, in which it would be a question, whether Spain should be made a party, it would not be merely a question of right but a question of policy also,) *Lord Hawkesbury* did not say to *Mr. Frere*, that the grant of the stipulated succours would be made a ground of war, he only instructed *Mr. Frere* to inform the British commanders of the sailing of those succours, that they might be intercepted. It was said, the reason for *Lord Hawkesbury* not answering the notes of *M. d'Anduaga* was because the negotiation was carrying on at Madrid; and how was it carried on there? There were four dispatches from the secretary of state to *Mr. Frere* at Madrid, the first of which said nothing; the two next contradicted each other; and the fourth amounted to a declaration of war. Thus the secretary had done his duty at Madrid, not in a more commendable way than he had in London.—He denied that when policy did not permit a country to act immediately, that country was at liberty to withhold its decision on the principle, and to keep the right of war in its pocket. When conditions were proposed, the non-compliance with which was to be followed by immediate hostilities, was it not naturally supposed, that to comply with them would insure forbearance and neutrality? He agreed that the subsidy might be a cause of war, as it was in lieu of the succours; but he contended that there was an agreement, and that the voluntary mention of the term convention by *Mr. B. Frere*, bound us to respect the neutrality of Spain. He maintained, that the disarmament in Fergol ought to have removed all suspicion from that quarter. Captain White's account proved there was no armament at Cadiz. But *Lord Harrowby* had an eager disposition to seize the treasure ships, and the principal point of his dispatches to *Mr. Frere* was to ascertain the time of the arrival of these ships, not to learn the state of the negotiation. He could not give ministers credit for wishing to avoid bloodshed, when they had sent out against the

the treasure ships only a force so equal, that it would have been highly disgraceful not to resist it. He saw as little proof of that tenderness for human life in Lord Harrowby's expression, that he did not think it worth while to enter into controversy with M. d'Anduaga on the propriety of sending a superior force; and on the whole, he could not suppose much feeling of this kind in persons who talked so coolly of the blowing up of 300 men. He could not reconcile the free egress granted to Spanish merchant ships, from our ports with the seizure of their ships of war laden with treasure on the high seas. The conduct of the British ambassador was equally irreconcilable, who when instructed to insist positively on the disarmament, and receiving a promise that the requisition should be complied with, left Madrid immediately on the assurance. If Spain was conceived to begin the war by detaining British property, we were beforehand in capturing their frigates. He could not conceive any justification of the conduct of his majesty's ministers, and he protested against negotiating with a reserve. He protested against the capture of the frigates, and the pretence of keeping the negotiation still open. He thought the principles of the country abandoned, and its character disgraced, by the manner in which the negotiation had been conducted.

The *Advocate General* (Sir John Nicholl) entered into a discussion of the merits of the case on the part of our government, as their conduct appeared to him to be countenanced and authorized by the established usage or law of nations. This law was not to be found in any official document, which was universally agreed upon or enacted for that purpose. Our opinions on this subject were to be guided by the following criterions: 1st, The sound deductions of natural reason; 2dly, The authority of the most eminent men; and thirdly, The most general practice observed by civilized nations when placed in circumstances similar to those, on the propriety or impropriety of which we have to bring our minds to a decision. In a plain, reasonable view of the subject, it is admitted that the treaty of St. Ildefonso was in itself a just and sufficient cause of war. The principle of self-defence, which is so deeply implanted in the breast of man, was further roused by a consideration of the circumstances which followed. The force for which they had stipulated was to be commuted for a pecuniary aid to an immense extent. There were other terms extorted by the threats of General Bournonville, but which were never explained to us. We had another and a most im-

portant reason which prompted us to adopt precautionary measures, that was the mission of Mr. Le Brun, a naval officer. The object of that mission the Prince of Peace would not disclose to our ambassador; but it was truly and obviously meant to procure the egress of the French and Spanish ships, and to render them more secure in their passage to some of the northern ports of France. From these observations there could be little doubt that they intended to act together. If so, this was an infraction of the supposed convention or agreement, which was understood to have existed between the two countries, and we had a reasonable ground for war. It then naturally followed that we should feel ourselves particularly entitled to seize on that description of property which otherwise most probably would have been sent to replenish the coffers of our enemy. In this we did not outstep the bounds prescribed by the most eminent writers on the law of nations. All writers from Vattel to Martyn, who is one of the most modern on the subject, have agreed that if an injury be received, or an injustice done, and that explanation is demanded on the one side, and refused on the other; if there is a notice given to the power so refusing, that, if such conduct is persisted in, it will be considered as a sufficient cause of war; if after this solemn warning, as the writers on this subject observe, that power shall continue those acts which are deemed acts of aggression, and shall still withhold all explanation on the subject, hostilities against her will then be founded in the principles of justice. An hon. gentleman had compared this conduct between two nations to similar conduct between man and man; this, however, was erroneous. An individual illegally threatened with a premeditated attack by another, would find protection and redress by appealing to the tribunals of the law. It was not so in national disputes: if one country perceived that another had assumed a fighting attitude, and that her own destruction, or any serious injury to her was threatened, she then had no resource but that of putting herself into a similar posture, and endeavouring to give the first blow instead of receiving it, as most probably would otherwise have been the case. Every publicist of eminence has declared that we have a right to make use of the principle of fear to compel other nations to accede to our just demands. If this has not the weight which we calculated it would have with them, there was no alternative but that of having recourse to arms. That such a line of conduct should be adopted and acted upon pending a negotiation, when all the other circumstances

cumstances already mentioned were connected with it, was not without a precedent in the general conduct of civilized nations. On the contrary, it would be found that in almost every instance where it was thought necessary during the course of the last century, this was the general practice of this country, and of all other powers of Europe. In 1718, when Sir George Byng was sent to preserve the neutrality of Italy, a similar step was thought expedient, and was of course adopted. He did not want to conceal that an outcry was raised by Spain against the manner of proceeding, and that some persons in that house also protested against the measure. But the wisdom of the house over-ruled the objections, and the action was commended as a measure of necessary precaution. In 1726, Admiral Hosier was sent to cruise off Porto Bello, and an attack was made on Gibraltar, though war was not declared for six weeks after. In 1739, the Spaniards seized all British property, even though contrary to an express article, when they were apprehensive that we would otherwise inflict on them the first mark of the commencement of hostilities. In 1744, in 1755, in 1763, and down to the time of the dispute respecting Nootka Sound, it was to be observed, that there was hardly an instance of a maritime war being undertaken without a similar precautionary measure being adopted. In the present contest he thought it was peculiarly incumbent on the house to support that spirit which the people had so honourably displayed, and not to suffer their ardour to be damped, or their noble exertions thwarted by any backwardness on the part of the executive to prevent the machinations of our enemy. He, therefore, most cordially supported the address.

Mr. Windham declared that he was ready to follow the learned gentleman who had just sat down by entering fully into the subject, if it should not be the pleasure of the house to accede to the proposition he had to submit, for an adjournment of the discussion. This proposition would not, he hoped, be resisted, as it must be obvious, from the lateness of the hour, and from the number of persons who were anxious to deliver their opinions upon the important subject under consideration, that it would be impossible to bring the debate to a close in the course of the night. [Here the honourable member was interrupted by a cry from the one side of the house of "Go on, go on," and from the other of "Adjourn, adjourn.""] —He concluded with moving that the debate should be adjourned till the afternoon.

The *Chancellor of the Exchequer* stated, that although it was

his wish that, if possible, the debate should be brought to a conclusion in the course of that night, yet, as there were many gentlemen still anxious to speak upon the subject, and whose sentiments the house and the country would be naturally desirous to know, he should not object to the accommodation proposed.

Colonel Fane spoke from the gallery against the adjournment; after which the motion was agreed to. Adjourned at two o'clock in the morning.

HOUSE OF COMMONS.

TUESDAY, FEBRUARY 12.

The coalfactor's indemnity bill was committed, and ordered to be reported next day.

The Greenland whale fishery bill was passed through a committee, and the report ordered for next day.

The committee on the quarantine regulation bill was, on the motion of Mr. Rose, deferred till the subsequent day.

Mr. Grey moved for a variety of accounts relative to balances in the hands of certain gentlemen connected with the land tax in Scotland. The accounts were ordered to be presented.

The honourable gentleman moved for a copy of the warrant authorizing an increase of the salary allowed to Lord Melville as privy seal of Scotland.—Ordered.

Mr. Elliot moved for an account of the numbers composing the royal veteran battalion, as far as the same can be furnished. The motion was agreed to.

Mr. Rose presented a petition from the managers of the British museum, praying for an additional grant of money to enable them to complete certain buildings for the reception of the curiosities from Egypt, for the erection of which a sum of money was voted last session.—The petition was ordered to lie on the table.

The right hon. gentleman next moved, for an account of the sums voted to this establishment last year, and the manner in which they had been appropriated.

Mr. Banks professed his readiness to give every sort of encouragement to an establishment so creditable to the national taste, but was still uncertain whether every necessary regulation had been adopted to make it as accessible as possible to the public.

Mr. Rose assured the hon. member, that there was, on the part of the managers, every wish to accommodate the public. At this moment every person, by the notice of one day, had a certain

certain opportunity of seeing whatever curiosities the establishment contained. If, however, any additional regulations appeared necessary, gentlemen had only to point them out, and if they seemed at all desirable, they would certainly be attended to.

Mr. Fuller thought the access to the museum as easy as was compatible with the security of the curiosities which it contained. The public were materially interested in their preservation, and too promiscuous an admission of strangers was to be avoided.

Mr. W. Smith thought that the experience of the conduct of similar establishments in another country, was a sufficient evidence that greater facility of access might be given without interfering with the security of the curiosities. In the country to which he alluded, the public had means of access at all hours and on all occasions, while no serious consequences took place.

The account was soon after presented at the bar by *Dr. Grey*, and ordered to lie on the table.

The loyalty loan bill, after a few words of explanation betwixt the Chancellor of the Exchequer and *Mr. Chapman*, was read a second time and committed for next day.

SPANISH WAR.

The order of the day was then moved for resuming the debate on the Spanish papers, agreeably to adjournment.

Mr. Windham, *Dr. Laurence*, and *Mr. Raine* rose at the same moment, but the speaker having declared that the latter gentleman had first caught his eye, he was allowed the customary precedence.

Mr. Raine began by apologising for preventing any gentleman from being heard; but upon so momentous a question he was anxious to deliver his sentiments at as early an hour as possible, being conscious that when the patience of the house was at all exhausted, he could not hope to engage that attention which others of greater experience and known talents could command at any period of the debate, however advanced. Although the right hon. gentleman who opened the debate, and those who followed him in support of the address, had thought fit, conveniently for the purpose of their argument, to consider this question as embracing only one topic of discussion, to those who attentively considered it, as it appeared to him, it must obviously present itself in two points of view; the one, whether, supposing an apparent ground of complaint to have been laid under all the circumstances of the case, it was

was consistent with sound policy to involve this country in a war with Spain; the other, whether the manner of commencing hostilities could be justified. The latter, with leave of the house, he should take the liberty of examining first, as being by far the most important, in as much as it involved in its consideration no less a question than that of national honour. And he must confess, that, so far from thinking the mode in which hostilities were commenced justifiable, he alluded of course to the attack upon the Spanish frigates, to him it appeared little better than an act of piracy. This was no doubt a grave charge, and ought not to be imputed upon light grounds; but if he had the good fortune to convey intelligibly to the house, that which had impressed complete conviction upon his own mind, viz. that it was not warranted by any sound precedent to be found in all political history; that it was a violation of the national faith implicitly pledged, and that it was contrary to the express letter and spirit of the law of nations, he should go pretty far towards proving, if not the whole length of proving, that the act was little better than piratical. With regard to precedents, he believed he might safely challenge those who supported the other side of the question to traverse the whole range of universal history, so far as regarded the practice of civilised nations; certain he was he could boldly defy them to ransack our own history for a single instance of acknowledged authority, upon which the act in question, in the comparison of circumstances or upon the ground of analogy, could fairly be said to be justified. He was not unmindful of the several cases cited by the honourable and learned gentleman, (the king's advocate,) from the history of the last century. But, in the first place, not one of those cases which could be said in its circumstances to resemble this, was considered as incorporated into the code of nations for acknowledged law, but was reprobated at the time as a flagrant breach of that law: in the next place, they were all cited by the honourable and learned gentleman himself, for the purpose of establishing, in point of fact, a principle which he (Mr. Raine) was not at all interested or inclined to dispute, viz. that a formal declaration of war was not always necessary previous to the commencement of hostilities. This principle was extracted from Bynkershook, a writer upon the law of nations of undoubted authority, who, in the chapter upon this head, enumerated a variety of cases in which a formal declaration of war was not deemed necessary. But that writer did not lay it down as a principle, that in no case should it be deemed necessary. On the contrary, Vattel, whose authority was relied upon by the

the honourable and learned gentleman himself, did expressly state that a declaration of war is necessary, and that too in a case which he should hereafter shew was analogous to the case now before the house. But he was confident the honourable and learned gentleman, with all his research, could not produce, either from Bynkershook, or any other writer upon whose authority he was prepared to pledge his own high character, a principle like this, viz. That during a negotiation you may commence hostilities without a declaration of war; and yet that principle must be established before you can be said satisfactorily to have justified the manner in which hostilities were in this instance commenced. There was an instance in our history, which in many respects bore a striking resemblance to the case now under consideration, he meant the attack upon the Dutch Smyrna fleet by Holmes, in the time of Charles II. But as that was one and not the least of many measures of infamy for which the cabal of that day deserved and obtained the execrations of posterity, he presumed no well constituted government would justify itself upon such a precedent. There too, after the hostile blow was struck, certain grievances were discovered, as, affording a pretext for that aggression—for pretences are never wanting where the stronger power seeks to oppress the weaker. Among other things was alleged a supposed indignity offered to the British flag by the Dutch fleet, through which a British yacht was sailing; a ground of complaint, by the way, which the wisdom of modern times had taken effectual care should never exist again: how honourably to those who sacrificed this proud distinction, or how advantageously to the country, he would not here stop to inquire. But bad as that case was, it was in one respect not so bad as the case now before the house. No points in difference were at the time under discussion between the two countries, so that the Dutch were not deluded by a shew of negotiation when the attack was made. The recal of Temple, who they knew had too much honour to lend himself as an instrument of treachery to any government, and other circumstances, had warned them of a growing indisposition towards them in the British councils; so that, so far from being taken by surprise, they were prepared to encounter an enemy, and the treachery of the attack was in a great degree, and indeed almost altogether, defeated. We had indeed, in this case, the advantage of success, if that success can be counted an advantage which is obtained at the expence of national honour. Before he quitted the subject of precedent, he could not help adverting to a paragraph in the declaration
on

on the table, which he owned had not a little surprised him. It was stated that the arrival of the treasure ships was "an event which has more than once in former times become the epoch of the termination of discussions, and of the commencement of hostility on the part of Spain." If, because upon other occasions war had sometimes broken out soon after the arrival of the treasure ships from Spanish America, it was meant to be insinuated that you have a right arbitrarily to intercept their treasure when it may suit your convenience, pending a negotiation between the two courts, he denied the inference as utterly unfair and unjust. Indeed, the proposition was, upon the most cursory view, obviously untenable. If it were only intended to state, that in point of fact war had heretofore followed hard upon the arrival of the Spanish treasure, the remark was surely rather too uninteresting to deserve a place in so grave and solemn a state paper. But he had stated this act to be a violation of the national faith implicitly pledged. In support of this proposition, he contended it to be a general principle, that when a negotiation is opened between two states for any purpose, but, above all, for the adjustment of differences, the negotiating parties are mutually pledged each to the other to a forbearance from all hostilities until the discussions are finally closed. This principle he should, with the leave of the house, at present take for granted, being hereafter prepared to prove it by the highest and most indisputable authority to be found in the circle of the law of nations. That a negotiation was begun, and continued until our minister quitted Madrid, the volume of documents on the table abundantly proved. In the midst of these discussions, which were calculated to lull them into a state of perfect security, whilst the relations of amity were supposed to be still subsisting, your ships received with hospitality in their ports, and the ships of Spain navigating the seas in the full persuasion of that security which nations not at war are entitled to enjoy, you take a treacherous advantage of their confidence, and commit that which is nothing short of an act of open war. You amuse them with a mockery of negotiation; for it is no other than a mockery, if, whilst they are led to indulge a hope, which to the last they reasonably may, that the discussions may ultimately terminate in the complete re-establishment of a good understanding between the two countries, without any previous intimation to them, you send out a hostile squadron for the purpose of attacking an armed force of Spain. The honest satyr, in the fable, would not endure a guest who had taught his breath

to

to blow both hot and cold; but you commence hostile operations at the very moment when you pretend to be negotiating in the character of a friend; you abruptly cut the knot which you affect a willingness to untie; you invite them to a parley, and you fire upon them under a flag of truce. But here he was encountered by various positions in the declaration, which it might not be improper to notice. There probably would be no difference of opinion upon the effect of the treaty of St. Ildefonso abstractedly considered. He could not, however, subscribe to the assertion that Spain entered into it "for the avowed purpose of endeavouring to subvert the government, and destroy the national existence of Great Britain." During the last war, indeed, it might be said to have had this country for its particular object; but in the contemplation of future wars, the intention must have been to secure to each other a pledge of mutual assistance against any power with whom either of the contracting parties might happen to be at war. But if you think fit to wave that right which the treaty gave you (unless disclaimed), you cannot afterwards in fairness insist upon it, having once elected the line of forbearance. It was stated that "the groundless imputations in the Spanish manifesto were built upon the foundation of this forbearance alone." He saw no contradiction in this; and here he could not help noticing the manner in which the noble lord (Lord Castlereagh) had misrepresented this part of his hon. friend's (Mr. Grey's) argument. The noble lord had represented his hon. friend to be at variance with himself, because he, who on the one hand so strenuously contended for the preservation of the neutrality of Spain, on the other hand violently pushed things to the last extremity, by insisting that the treaty should have been considered as a just cause of war. Nothing, however, was more unfounded. His hon. friend's argument amounted to this. The treaty of St. Ildefonso, if acted upon in any manner hostile to Great Britain, if you wish to be *inter apices juris*, strictly speaking, affords you a just ground of war, subject however always to the question of expediency. But you are not justified in suspending this right, with an intention of insisting upon it at some future period; you cannot keep it *in petto*, producible at pleasure when it may suit your own convenience. How is the British envoy instructed to act? Not to make the manly and ingenuous communication in what light the treaty is viewed by his court, but, in the cant of special pleading, he is directed to protest against the convention. Now was this

Vol. I. 1805. F f special

special pleading reserve, this "*protesting always*," and that too upon the matter immediately in issue, fit to be introduced into a great political question, where the point in issue between two independent nations was not less than that of peace or war? To a question put by Mr. Cevallos, whether a continuance of the pecuniary succour would be considered as a ground of war, he says "he is authorized so to declare it, and that war would be the infallible consequence." This is categorical and definite enough. But in the very next paragraph, speaking of discussions which took place at a subsequent period, he says that until the stipulations of the convention between Spain and France are communicated to him, "he could give no positive answer whether the pecuniary succours would be made a cause of war or not." Now what is Europe to think of the wisdom of your councils, when there is upon the face of your proceeding so much fluctuation, indecision, and uncertainty, when they see that you have not even the wit to state your own case with consistency? On the 18th of February the British minister declares that all further forbearance on the part of England must depend upon the cessation of all naval armaments, and a prohibition of the sale of prizes in their ports. On the latter of these points a satisfactory answer was given; and as to the former there was no appearance of naval preparations at that period whatsoever, and it was also very worthy of remark, that there was long afterwards as little appearance of naval armaments, as would appear by referring to a dispatch from Mr. Frere to Lord Harrowby, dated so late as the 5th of July. In the month of August, the British Chargé d'Affaires is stated to receive advice from Admiral Cochrane of reinforcements of soldiers and sailors arriving through Spain for the French fleets at Toulon and Ferrol. Possibly there might be some arrivals at Ferrol, but in the papers on the table there was no trace of any reinforcements reaching Toulon; nor indeed did it appear how they well could through Spain; so that Toulon, it should seem, was introduced merely as an elegant expletive. Again, it was stated in the declaration, that *towards the end of September* information was received in London from Admiral Cochrane, of orders having been given by the court of Madrid for arming, without loss of time, in the ports of Ferrol, Carthage, and Cadiz, and the packets as in time of war. *In consequence of this intelligence*, the British minister is directed to remonstrate and demand explanations. Now the order of the admiralty, under which the Spanish frigates were

were attacked, bore date September the 18th; so that you issue a hostile order to your fleets at the very time when you direct your minister at Madrid to remonstrate and demand explanation. But what was he directed to demand? "Above all to insist that their naval armaments should be placed on the same footing as before the commencement of hostilities," not the period of the convention or agreement, or understanding, by whatever name it was to be called, as had been conceded to Mr. Cevallos by the British Chargé d'Affaires. Now as this had been conceded, and the British court could not now disavow the acts of their own minister, it was much to be lamented that a condition disclaimed by that minister should still be insisted upon in the declaration, as it afforded a ground to the court of Madrid to charge the British government with a breach of faith. Again he was directed distinctly to state the orders of his court to their commander, to prevent Spanish ships of war from sailing to or from Ferrok. Not a word about the treasure ships. Lord Harrowby's excuse to the Spanish ambassador seemed perfectly unsatisfactory, viz. that if intelligence could not have been conveyed by the court of Spain to the commanders of their treasure ships, the communication from our court would have been useless; and if it could, the order would have been rendered nugatory: for this mode of reasoning applied with precisely the same force to the other Spanish ships of war of greater force, nor could any sound distinction be drawn between them and the treasure ships. Another ground of complaint alleged in the declaration, was the removal of Spanish ships out of dock to make room for French men of war. Of this it would be sufficient to say, that the papers on the table furnished no proof of the fact. But it was stated that the government of Spain "contemplated from the beginning of the war the necessity of making itself a party to it." The declaration in the Spanish manifesto was, that, from its relations with France, it must have with difficulty refrained from taking part against injuries offered to its ally. Whilst they were stating the difficulties they had to struggle with in avoiding offensive operations against Great Britain, was it fair to interpret this into an admission on their part, that they were, from the first, unavoidably identified with France in the war against us? But "the detention of the treasure ships formed no part of the motive of the previous hostile character manifested by the court of Spain." If any previous hostile disposition existed, that undoubtedly could not be influenced

by an affair which took place afterwards. Then it was asserted, that the state of war must have arisen had the detention never taken place. But how did this appear? Other points in difference might possibly have been adjusted, but a breach of faith, and an insult offered to a flag of a generous and high-minded nation, do not so easily admit of atonement. He had dwelt the longer upon the declaration, because that was the instrument which ministers had offered to the world, and by that they must stand or fall, as the justification of their conduct in involving their country in a war with Spain; and how vague and unsatisfactory the apology was, he trusted he had sufficiently shewn. But he had undertaken to shew, that the attack upon the Spanish frigates, pending a negotiation, was against the express letter and spirit of the law of nations. For this he should rest upon no less reverend an authority than that of Grotius himself, who, though the first to reduce that valuable science to a system, sprung, as it were at a bound, to the very top of his art: He says, *Sic et qui colloquium aut postulat aut admittit tacite pollicetur collocutoribus id innonum fore.* He then, as is his custom, adduces his instances, and in the very first says, *per colloquii speciem jus gentium perfide violari.* Here then it was expressly laid down that, during a negotiation, you are pledged to do no act of violence to the party with whom you negotiate. Vattel also, in the case of a contested right, says, "after an ineffectual endeavour to obtain justice by conciliatory measures, a declaration ought to follow, and not pretended reprisals, which, in such a case, would only be real acts of hostility without a declaration of war, and would be contrary to public faith, as well as to the mutual duties of nations." Now if reprisals, in such a case, be not admissible, still less can you resort to an act which has in its nature more of violence and outrage than are to be found in any case of reprisals whatsoever. But the character of this measure is not that of hostility, but merely an act of *detention*! He believed it was the first time that *detention* had been used to describe such an act since it was first imported into the English language. Here was a regular action between two opposite squadrons of equal force in point of numbers, in which three ships are taken, a fourth is blown up, and upwards of three hundred lives are sacrificed; yet, in the declaration, and in that house, it was resolutely maintained to be merely an act of *detention*! Lord Harrowby, indeed, with a manly candour honourable to his character, described the affair in its true colours, speaking of it in his dispatch to Mr. B. Frere, as a hostile

hostile action, in which one frigate was blown up, and three were captured. The noble lord, in another part of the same dispatch, also admitted that it was foreseen by ministers that the expedition might possibly be hostile, and provoke resistance. This furnished matter of grave charge against them for not sending out a larger force, so as to preclude the possibility of resistance altogether. As it was, however unequal the conflict might be to any nation encountering us with equal numbers at sea, the Spanish commander, not merely from a sense of honour, but as he valued his own personal safety, was absolutely compelled to fight, for he must indisputably have been shot if he had submitted to such a force without resistance. But what would have been said if, in the interval between the date of the admiralty order and the time of our minister's quitting Madrid, complete satisfaction had been obtained from the court of Spain? *Restitution* would have been made! As to restitution of the treasure, that was lost; with an overflowing treasury, and a bank full of specie, as it must be, for it pays none, perhaps there would not be much difficulty in settling that account. As to the ships, those that were taken might be restored, and for that which was lost, we would build them a better, and so that account also would be settled. But there was another account not quite so easy to adjust—Can the sea yield up its dead? How can you make restitution to the king of Spain for the loss of so many valuable subjects, or to the numerous families bereft of so many valuable relatives by this rash act of violence and outrage? So much for detention and restitution—a detention which is destruction, and a restitution, an offer of that which cannot be restored! But the outrage was not sufficient—after all, Spain was to be wounded with that cruel and insulting assurance in the declaration, repeated in that house, that the conduct of Great Britain towards her was that of moderation and tenderness! As to the other view of the question, viz. the ground of policy, he could not help thinking that the war might have been avoided consistent with the honour and the best interests of the nation. If the friendly disposition of Spain towards this country wanted confirmation, that confirmation was abundantly afforded by those papers, for a knowledge of which the house and the public were indebted to his hon. friend, (Mr. Grey) who moved for their production. [Here Mr. Raine read the concluding part of the extract of a dispatch from Mr. Frere to Lord Hawkesbury, dated 9th October 1803, being No. 8, and page 10, of the papers delivered to the house

house 2d February, beginning, "Your lordship may rest assured," &c. and so on to the end of the extract.] Nor did it appear that this friendly disposition had ever been weakened; the pecuniary succours paid by them to France, could not be considered as voluntary—they consented to pay them as the price of their neutrality. Still less could they fairly be urged against them by us as a just ground of war who connived at the same payments made by the Hanse Towns, and even by Portugal, our close ally. If we knew them to be oppressed by the domineering influence of France, the comity of nations, and even common humanity, should have induced us to consider their embarrassing condition with an eye of indulgence, and should have dictated to us the obvious policy of forbearance and moderation;—and if ever there was a period when more than at another it was our duty and interest to conciliate the powers of Europe, by a religious observance of good faith and of the law of nations, this was unquestionably that period. For able as we were, and he trusted ever should be, to defend ourselves alone, if we hoped to set any bounds to the gigantic and overgrown power of France, that could only be effected by the co-operation of the continental powers, which must arise from the conviction alone that our cause was just. And even if the justice of our cause were more indisputable than he feared it could be made to appear, we had made an impression upon the nations of Europe highly unfavourable to our honour, by the mode in which we had commenced hostilities, shewing that we were actuated by a sordid thirst of lucre, rather than a generous resentment of supposed wrongs. On every ground, therefore, both of the impolicy of the war, and the injustice with which it was commenced, the amendment of his hon. friend had his cordial support.

Mr. Banks declared his intention to support the address, as he was convinced of the good faith and moderation which had marked the whole of our negotiation with Spain. On our part was requisite vigilance, circumspection, and jealousy; on the part of Spain we had a right to expect candour and openness of communication. He saw much appearance of contrary qualities on the part of the Spanish government, and an unaccountable backwardness to withhold all reasonable explanation. At first Spain was pacific, and, perhaps, at the time the rupture took place they acted under a control which they could not resist. At the same time this charge was manifest, and therefore he supported the address. The learned gentleman then adverted to the supposed convention between this country

country and Spain, relative to the admission of a commutation on the part of Spain, of pecuniary subsidy for military and naval succours. He denied the existence of any such convention, and affirmed that even no such understanding could be made out from the papers before the house. Spain may have made use of words, he admitted, that might have been construed into such a meaning, had any other document at all countenanced it. But certainly we were not accountable for the words which the Spanish government might think proper to make use of, as we ourselves had never admitted that any such negotiation for neutrality ever subsisted. So far were government from having entered into any negotiation on the subject of the convention with France, that they had even no official information on the subject; and though he could not say that they knew nothing of it, he very much questioned if they knew its contents. That such a convention did exist; they must no doubt have had some knowledge; as such an act done at Madrid, however much care might be taken by that government to prevent its measures from transpiring, could not remain long a secret. But the amount of the contingents was but imperfectly known, as also the precise stipulated sum in room of those contingents. The refusal of Spain to explain herself fully on this subject, was a clear proof that they had stipulated too much, and that the whole convention was of such a nature as she was certain could not meet with the concurrence of this country. Such at least was the suspicion which the circumstances of the case sufficiently warranted. But not only had they refused categorical explanation on a head of such essential importance; they had gone still farther, and rendered the subsidy, if possible, more hostile to this country, by converting this monthly subsidy into a loan transacted at Paris. The hon. gentleman then entered at some length on the hostile nature of the armaments in the ports of Spain, the existence of which he maintained, at the different periods referred to in the documents, notwithstanding they were denied by some gentlemen sitting near him. He argued from the superior power of France, that a treaty between that country and Spain must necessarily preponderate in favour of the former, and must therefore be unfavourable in an equal proportion to this country; for wherever two powers of unequal strength formed an alliance, whether offensive or defensive, it might easily be guessed of what nature were the terms. The ostensible reason that had at last been assigned for the armaments in the Spanish ports, was to enable the government

to

to suppress an insurrection in Biscay. This certainly was a very sufficient ground for armament, but had it been the real cause, why should Spain have been anxious to conceal it from this country? It was for this reason that he considered this allegation as a mere pretext, and was induced to think that the armament had a very different object. It was not unlikely that it was designed to form a part of a combined expedition against England. The hon. gentleman concluded by expressing his regret for the melancholy event that had accompanied the attack and seizure of the frigates. No man lamented that catastrophe more than he did, but, between the measure and its accidental consequences, it was only fair to make a distinction. It was a measure of precaution; as such it was necessary, and as such, Spain must be answerable for the consequences. It was much to be regretted, however, that the force employed on that occasion had not been greater, and by that means prevented all resistance by quashing every hope of success.

Mr. Johnstone, in opposition to the hon. gentleman who had just sat down, thought the character and the honour of the country deeply compromised in the discussions, the official documents of which were now under consideration of the house. He would maintain this opinion, although he was ready enough to believe, that the greater part of the country was fond of a war with Spain. The idea of being at war with a power vulgarly imagined to be possessed of immense treasures, was congenial enough to popular sentiment; but he trusted that that house would not allow itself to be hurried away by any such delusion, but examine with the strictest scrutiny the papers before them, ere they ventured to concur in the address proposed by the right hon. the chancellor of the exchequer. He was not unwilling to allow that the treaty of St. Ildefonso might constitute a ground of war for Great Britain against Spain; yet such as it was, it was little more than a transcript of the ancient treaty called the family compact, which had subsisted between the different branches of the house of Bourbon sitting on the French and Spanish thrones. The articles were of a similar tendency, and yet when this country went to war with France in 1778, this treaty was not considered a sufficient ground to induce hostilities with Spain, nor to provoke us to take measures such as we lately had recourse to. It was decidedly his opinion, that in the relative situation of the two nations it was clearly the policy of Great Britain to cultivate a good
under

understanding with Spain, and Lord Hawkesbury should certainly have employed some gentleman of high birth and conciliatory manners for that purpose. When first the French demand for pecuniary succours was communicated to the British court, no expression of their disapprobation followed, and in his mind it would have been much more expedient to allow Spain to pay this subsidy than to force her into a war. He denied the position of the right hon. the chancellor of the exchequer, who seemed to think that the deduction of one million from the three agreed on, for the purpose of paying debts from France to Spain, was immaterial. That right hon. gentleman had likewise not fairly estimated the equivalent which this sum bore to the contingent stipulated for. One million was at most not too much for the expences of sixteen sail of the line, and the other million which was left for the equipment and support of 24,000 troops, was not adequate to the purpose. Britain could not maintain them for twice as much. How was this arrangement at that time viewed by England? Would any man assert, that it was then the intention of Government to do any thing more than protest? Government had principally argued the point on the instructions and dispatches that passed between our minister at Madrid and his court at home; and not as they ought to have done on the notes and letters that passed between Mr. Frere and the court of Spain. From the tenor of such of Mr. Frere's letters to M. Cevallos as had been presented to the house, he conceived that that gentleman had received his instructions from the right hon. the chancellor of the exchequer rather than from the noble secretary of state. The hon. member here criticised several of Mr. Frere's notes, both on account of the manner in which they were composed, and the matter which they contained; particularly one of the 2d January to M. Cevallos, might well require explanation, as it was written in the most barbarous French he had ever met with. In his note of the 18th February, Mr. Frere drops the subsidy, and confines himself to the two points of the armaments, and the sale of prizes in the Spanish ports. After M. Cevallos had twice demanded explanation on this point, its not being pressed is an absolute and unequivocal abandoning of it, and on the 22d of March, M. Cevallos states, that he considers the neutrality of Spain admitted. He was at a loss to conceive on what ground Mr. Frere had couched his note of 18th February in such strong terms. He certainly acted in direct

contradiction to his authority, for Lord Hawkesbury, in his instructions of the 21st January, recommends him carefully to avoid bringing the negotiation to an abrupt termination. It was evidently the system of the then government of Great Britain, not to enter into a war with Spain on account of her subsidy to France. Spain is said never to have given official communications with regard to that treaty; true, but the progress of it was well known, and had been stated in every stage of it by Spain. With respect to verbal communications; if we admit accounts of the conferences between the Prince of Peace and Mr. Frere, we must also admit accounts of those between our court and M. d'Anduaga. When the right hon. the chancellor of the exchequer asserted, that the dispatch of the 29th September, 1804, afforded full evidence of a determination to revive a subject that had so long lain dormant, it appeared to him to be merely an assertion of the difference between a weak and puerile administration, and that of the right hon. gentleman. Compare these dispatches with those of May, in which our government clearly abandoned the subsidy as a cause of war, provided no armaments provoked them to hostility. But, say they, armaments did take place. If they were directed against England, it would require no argument to prove the unqualified right of England to make them a ground of war. What reply, however, did the governor of Ferrol make to the representations that were addressed to him on this subject? That the armament was destined for a secret purpose, but that it needed not to excite the jealousy of any European power, the ships being but half manned. If Spain were disposed to contravene her engagements with this country, French finesse would have suggested a happier mode of concealment. Accompanied as this answer was by the want of preparation in every other port of Spain, its truth could not be doubted. On M. d'Anduaga's being questioned by Lord Harrowby, he professes utter ignorance of the subject, and two days after brings an officer belonging to one of the regiments composing the armament at Ferrol, with letters stating that the object of it was to quell the insurgents in Biscay. This Mr. Frere, in a subsequent dispatch, confirmed, and expressed his conviction that such was the fact. Some of the minister's arguments operated in two contrary directions and destroyed each other. If the agreement to suspend hostilities were advantageous to France, she would not have instigated Spain to break it; if war with Spain were more advantageous to France,

France, we shall be losers by precipitating ourselves into it. It was inexplicable how, on such instructions as were contained in Lord Harrowby's dispatch of Oct. 29, Mr. B. Frere judged himself warranted in making the communication of the treaty with France and the reduction of all armaments in Spain an ultimatum. He severely reprobated a passage in one of Mr. Frere's notes to M. Cevallos, as being justly offensive to the court of Spain, and disgraceful to the court of Britain. It mentioned the influence of France on the Spanish councils, asserted the dependence of Spain on that power, and insinuated the consequent distrust of England. These circumstances were true, but this rendered it more improper to hint at them, and he was well assured that this conduct of the British chargé d'affaires was strongly reprobated by the whole corps diplomatique of Europe. But this was nothing to a subsequent part of Mr. Frere's proceedings. He read a note to M. Cevallos, in which he tells him, that he expects an answer by the bearer! What would our administration have thought had a similar insult been offered to them? He disclaimed all personal reflections on Mr. Frere, but such were his thoughts on the affair. Mr. Johnstone repeated some of his former observations with regard to the subsidy stipulated to be paid by Spain to France, and alledged that it was a shameful defection in us for such a trifle to desert Portugal, our ancient ally, and expose her to be overrun and destroyed. This action certainly did not redound to the honour of Great Britain, even at home, and on the continent it was regarded with universal disapprobation. He concluded by declaring his determination to support the amendment to the address proposed by his hon. friend, Mr. Grey.

Mr. Hiley Addington could not refrain from expressing the greatest satisfaction at being able entirely to concur in opinion with the hon. gentleman who had spoken second in the debate that evening; he wished, however, to add one or two observations to those which that hon. gentleman had made on the statements of the learned gentleman who had preceded him, and who had commenced the discussion of the night. He should avoid adverting to the speech of the hon. gentleman who had just sat down, not out of the slightest disrespect to that gentleman, but because to all his arguments, complete answers would be found in the statement made the preceding evening by his right hon. friend near him, and he was very unwilling to detain the house long, anxious as they necessarily must be, to hear the opinions of so many great and distinguished

guished characters among them, who had not been afforded an opportunity of expressing their sentiments on this momentous subject. With regard to the analogy which the learned gentleman (Mr. Raine) asserted to exist between diplomatic proceedings and the occurrences of special pleading, and with regard to the construction which he had attempted to put on the different passages that he had quoted from various writers on the law of nations, he would not enter into any dispute with the learned gentleman, conscious as he felt of his own incompetency to the task; otherwise he would not hesitate to acknowledge that the passages so quoted conveyed to his mind a very different meaning, and led to very opposite reasonings. The learned gentleman, although he allowed that the unexplained treaty of St. Ildefonso afforded a complete justification of war with Spain, yet seemed to wish that something more decisive had appeared in the conduct of the British government to Spain, on the breaking out of the war with France: that, instead of the forbearance and moderation which had distinguished the conduct of our court to that of Spain, and by which we had vainly hoped to secure the neutrality of that power, we had directed a message to the Spanish government, requiring a categorical answer, a complete explanation how far Spain conceived herself to be bound by the treaty of St. Ildefonso. In this wish he must totally dissent from the learned gentleman. What would have been the result of such a proceeding? What answer should we have received from that court? and what impression could have been made by a demand, calculated to irritate and provoke those whom the learned gentleman admitted (and in this point he perfectly agreed with him,) it was our true policy to soothe and conciliate. Should we have attained our object? should we have received a decisive negative or affirmative? the probability is that we should not. The government of Spain would have replied, "We have no desire to act up to the conditions of the treaty, we rather wish to avoid doing so, and we ask for time to enable us to concert the best measures for eluding them." Then, had his majesty's ministers received such an answer, would the learned gentleman have been prepared to advise them to deny the Spanish application for a prolongation of the demand? He rather thought not. He rather thought the learned gentleman would have seen nothing in such an answer, but a request from a weak and oppressed government, which it would have been the highest cruelty to refuse.

refuse. The result would thus have been similar to what it had been in the proceedings adopted by the British cabinet, with the inconvenience superadded of having causelessly agitated a question, which motives of humanity and prudence imperiously demanded should be suffered to lie dormant. He confessed that he was one who had waited with excessive anxiety for the production of the documents from which alone it was possible to form an accurate judgment of the conduct pursued by the two administrations who shared in the discussions which had taken place with Spain. He felt inexpressible satisfaction in stating, that through the whole course of them, he found the same uniform tone of lenity and forbearance towards Spain. He traced it through all the dispatches from his noble friend Lord Hawkesbury; he traced it in the instructions which proceeded from the present noble secretary of state; he traced it in those emphatic words to our minister at Madrid, to "make one more effort, if possible, to preserve a state of peace with Spain." Deeply sensible as he was of the truth of the facts which he had stated, he humbly presumed to implore the house to pause before they gave their votes for the amendment offered to them. He could not say what were the real motives of the hon. gentleman who had proposed it; he had no doubt that they were pure, but he loudly called on the house not to agree to a motion replete in its consequences with injury to Great Britain; to a motion which, if it were adopted, would lower this country in the estimation of all Europe, would lower the spirit of the inhabitants of this country, would unbrace the nerves of every British soldier and sailor now engaged in the protection of old England, and induce them to believe, that instead of fighting for their country, they are contending in the defence of the most lawless and dishonourable outrage.

Dr. Laurence said, that it was his intention the preceding night to have noticed, in a few sentences, what had fallen from his learned friend (Sir John Nicholl). Had he done so, at that period of the night, and exhausted as he and the house in general were, he should have confined himself merely to two or three points which had been touched on by his learned friend. Having, however, that night witnessed the confident tone in which an honourable gentleman who sat beside him had addressed the house, in a speech almost every word of which was built on bold and glaring misconception; when he heard it stated that government had acted throughout with humanity and moderation, yet with vigilance, alacrity

city and firmness; and, therefore, that gentlemen were not to satisfy themselves of the truth of such allegations, lest they should damp the public spirit, he felt himself called on to enter more at large into the subject, and in the first place to inquire if this was really the situation of that house, that if ministers chose to plunge into a war on unjustifiable grounds, they were not entitled to inquire into the causes of it, lest in so doing they should damp the spirit of the country! If it were really so, he should wish to be informed for what reason they sat there, and what was the meaning of the bundles of papers in the hands of the members, and lying on the table of the house? The discussions by which this war had been preceded, were said by those who disapproved of the way in which he thought, to have been marked by uncommon forbearance, and, at the same time, by vigour and energy. There was, however, within the last century, but one war in which this country was engaged, in which the integrity of Great Britain had been questioned, and that was a war against Spain. From this very reason ought we to have been particularly cautious of commencing hostilities against her, unless on the clearest and most undeniable grounds, lest our motives should be questioned. Spain was at the time to which he alluded a more powerful nation than she was at present, and the more were we called on to guard against our integrity being suspected. When a country, like Spain, rich in pillage and weak in power, was seen about to engage in war with a powerful state, it was natural to feel suspicious that her riches and weakness might have contributed to involve her in that situation: and if so was it not for the honour of the country that the causes of the present contest should be investigated, and our integrity established? When the last treaty of peace was concluded, he had unequivocally stated as an objection to their recognition of it the subsistence of the defensive treaties between France, Holland and Spain, and had submitted how far, while such treaties existed, we could, in case of a new war with France, regard those other two powers as in a state of neutrality. Ministers then made light of that objection, but they themselves started it in the beginning of the present discussion. The learned gentleman then went through the different points which had formed the subjects of discussion in the course of the correspondence, and contended that on none of them had our government put things in so clear and regular a state, as to make them the legitimate subjects of war. By the wavering policy of the late administration, or by their weakness and imbecility,

imbecility, or by what other name the present ministers chose to term it, the country had unquestionably been placed in a disagreeable situation. But had the present ministers extricated themselves or the country out of it, or had they not rather added to the ambiguities and doubts which formerly existed, others of a more extraordinary or more fatal kind? Lord Hawkesbury had, in his communications with the Spanish minister, recognised conventions or communications which were now stated never to have had any existence; and for the result of explanations for which Mr. Frere had been referred by the Prince of Peace, to M. Cevallos, ministers would now refer the house to a letter dated the day before Mr. Frere had stated his intention of applying for the explanation; at least, if not to be found in that letter, ministers did not know where such explanation was to be had. The question then which remained was, in what situation the faith of the country stood, in seizing on the Spanish ships without giving any intimation to that effect, and without any declaration of hostilities. It had been maintained by the learned gentleman on the other side, that though no positive declaration of war had been made, there might be a conditional one. In illustration of this opinion, the learned gentleman had referred to the instance of a capture of some Spanish ships made by our fleets in the year 1755, before the declaration of war; this, however, was an act for which, by the best informed and most learned men who are accustomed to judge on matters of this kind, our government of that day are highly censured, to use no harsher expression. The learned gentleman too had alluded to an embargo laid at that time by the Spaniards on our ships. He wished the learned gentleman had read the words in which that embargo was noticed, as it would have shewn that it took place subsequent to the capture of the Spanish vessels by our fleet, and was stated as being the reason of laying on the embargo; declaring, at the same time, that it would be impossible ever after to trust us on the eve of a war. This shewed the danger of throwing the honour of a country on extraordinary rules of law; and the learned gentleman would recollect, that to support his argument he must have been able to shew as many exceptions from the general rule, which the case he had cited could alone be considered, as would themselves make a rule in favour of his argument. He would also find that the author on whom he chiefly built as supporting his ideas of the law, speaks only, in the passages alluded to by the learned gentleman, of extreme cases, and in general lays it down, "But all

all people and all sovereigns of magnanimity will not wage a war which has not been declared." The learned gentleman, he hoped, would not wish to deprive this country, or the sovereign of this country, of the character of magnanimity; though, indeed, he confessed the opinions of the learned gentleman, if taken to be the standard by which their conduct was to be regulated, would have that effect in the fullest possible sense of the expression.

The *Master of the Rolls* would pass by those points, upon which so much had been said by his learned friend, who had just sat down, and by other gentlemen in the course of the debate, with respect to particular precepts of the law of nations, because whatever decision might be made upon those points, appeared to him quite immaterial to the question immediately before the house. The question then to consider was not what was, or was not, a legitimate cause of war, but what was the situation of this country with respect to Spain at the commencement of the war with France; or what had been the conduct of Spain towards this country since that period, and whether that conduct was such as to justify the course of proceeding which our government had adopted, and particularly whether it furnished a fair and politic ground for their engaging in direct hostility? The remote cause of the war, upon which the house was now called to decide, was the treaty of St. Ildefonso, and the proximate cause was the armaments which had taken place in the Spanish ports, and the refusal of the Spanish government to explain to us certain points respecting which we had a right to demand a full and satisfactory explanation. It was not denied, but on the contrary expressly admitted, by the gentlemen on the other side, that the treaty of Ildefonso furnished an unquestionable ground of war, and how was that ground affected by any thing that had occurred since? To ascertain this it became necessary to inquire, first, Whether that ground had been weakened or abandoned by any mark of approbation, or acquiescence on our part in the terms of that treaty? secondly, Whether any agreement had taken place to suspend the exercise of our right to go to war, and what were the conditions of such agreement? thirdly, If such agreement existed, whether its conditions had been violated; and, if so, what was the explanation required and received in consequence of such violation? That the treaty of Ildefonso was as unambiguously as words could express an offensive treaty, he thought, could not be questioned for a moment. In the history of diplomacy he never heard of any thing

thing more explicitly binding both the contracting parties to an unconditional offensive co-operation. It was, in fact, much more decisive than the family compact; for, according to the 8th article, it precluded the party requiring the execution of the treaty from any right whatever, even to inquire as to the cause or object of the war, which called for the execution of this treaty. It therefore clearly formed a just cause of war; but then there was a difference between the existence of a cause of war, and a resolution to go to war; and to this difference we attended. If we resolved on war, our right to commence it against Spain was unimpeachable the moment our hostility with France began, without any previous declaration whatever. For there could be no equitable obligation on us to give any notice of our intention to the Spanish government, which was from that period virtually in a state of hostility with us. If it were otherwise the Spanish government, and that of France also, would have had an advantage over us. Such was our right at the commencement of the French war, and that right he could not conceive to be in the least degree affected by the subsidiary treaty between France and Spain. That treaty, which was quite a matter of arrangement and commutation between the parties, left us upon the same footing as before. Still, however, we declined to exert our rights, because we were restrained by motives of policy from such exertion. We did not wish to go to war with Spain; we did not feel a Spanish war to be desirable. Therefore, although we felt great doubts of the possibility that Spain could preserve a complete neutrality with us while we were engaged in war with France, yet we determined to make the experiment. This experiment manifested the benevolence of our government, even though the prospect of success to be derived from experience of the former conduct of Spain was not at all encouraging. It had, indeed, been matter of great doubt among our statesmen, whether, since the family compact, Spain could, after the commencement of war between this country and France, long continue neutral; and another very natural doubt arose out of this, whether we should leave to France the choice of the period when it would suit her interest best to put an end to that neutrality, or chuse that period which might be most favourable to our own views. In the war of 1778 all probabilities concurred in inducing our ministers to suppose that Spain would not join with France against us; but yet, although such junction was against the palpable interests of Spain, it did take place, and ministers were

censured by the members of opposition for being so blind as to entertain for a moment a contrary calculation. Still this was a calculation of the same nature as that which the members of the present opposition would urge the present ministers to persist in, notwithstanding the altered circumstances of Spain, and the material difference between the obligations of the family compact and that of the treaty of Ildefonso. Gentlemen had observed that instructions sufficiently distinct and decisive had not been sent to our ambassador at Madrid, with respect to the conduct that he should pursue upon receiving an answer to the application he was directed to make to the Spanish government, as to its intention respecting the execution of this treaty. But he could conceive nothing more unfounded than that observation. Mr. Frere was instructed to ask the Spanish ministry, whether they meant to execute the obligations of the treaty of Ildefonso, and to what extent. The answer he should receive, he was to transmit to this court, without delivering any opinion to the Spanish minister, as to the resolution which our government might be likely to take upon such answer. In such instructions there was nothing singular; on the contrary, nothing was more common than to prescribe such a conduct to ambassadors. He recollected one hundred instances of similar letters. To forbid the ambassador from forming any decision upon the answer he might receive, could not be said to be injudicious; for the conduct proper to be pursued upon such answer must depend on various circumstances, of which government would be most competent to judge, and therefore government was right in reserving to themselves the decision of that subject. In 1761 the instructions sent to our ambassador at Madrid were precisely similar to those forwarded to Mr. Frere. When that ambassador was directed to apply to the court of Spain for an explanation of the family compact, his order was to make no comment on the explanation he might receive, but to transmit it immediately to this court; and yet Lord Egremont, who gave those orders, was never pronounced an inefficient or unwise statesman. Many other precedents of the same description could be cited to warrant the course adopted with respect to the instructions to Mr. Frere, which the gentlemen on the other side had so much complained of for indecision. However, it turned out that the answer received by Mr. Frere was, that an application had been made by the French government to Spain for pecuniary succours, in lieu of the shipping and troops stipulated for in the treaty of Ildefonso.

Eldefonso. Upon this proposition, it seemed that an intimation was given to the Spanish government that the concurrence of our government must depend on the amount of the proposed succour, and, from the subsequent connivance of this country in the payment of a certain succour to France, he observed that an argument was drawn which seemed to imply that a nation's declining at any time to assert a right was tantamount to the abandonment of such right. This would be a most dangerous doctrine indeed; for it would go to this, that a nation should in no case take advantage of the operation of chances, that it should not delay for any considerations of policy the assertion of a right, but at the risk of losing the right altogether. With respect to the nature of our connivance in the payment of the subsidy to France, it was clearly understood to rest upon the performance of certain conditions on the part of Spain; those were, the cessation of all armaments in the Spanish ports, and the prohibition of the march of any French troops through the Spanish territory. In case of a strict conformity to these conditions, and also the prevention of the sale of prizes in the Spanish ports, the Spaniards were to enjoy the advantage of what he would call a suspension of hostilities, still bearing in mind, that we never gave up our original right of war if those conditions should not be fulfilled. The different denominations given to the agreement were really of little consequence. M. Cevallos called it a treaty of neutrality, although Mr. Frere, in the letter of the 18th of February, proposing that agreement, described it as a proposition of forbearance. M. Cevallos, in his answer to that letter of the 27th of March, termed it a convention of neutrality, but the name was immaterial, if the essence of the thing were observed. There was, however, some difference in the construction of this agreement, and upon that point the learned gentleman who spoke last would insist, that the construction of the Spanish government ought to have been received, but this he denied. To us, from whom the proposition originated, belonged the right of defining it. If the Spanish government wished for a different arrangement, it was competent to them to propose it, but they could not alter the construction of that which we offered. Ours was a simple proposition of forbearance upon certain specified terms, but the Spanish ministry thought proper to term it a convention of neutrality. This term was, it was to be presumed, more grateful to them, and it would be captious to quarrel with them about words. We told them

that we should consent to forbear for a definite period for a definite purpose, to their advance of the subsidy alluded to, which purpose, if not answered, our forbearance must cease. As to the principles of national honour and good faith, which had been referred to in the course of the debate, and which some gentlemen asserted had been outraged by the manner of commencing the war with Spain, no man was more anxious to maintain those principles unshaken than he was; and he would ever contend that there was not the slightest violation of those in the conduct pursued by ministers; but, on the contrary, that they were religiously attended to. What was the case between this country and Spain? Very early in the negotiation we stated, that we should look upon any hostile armaments in the Spanish ports with the utmost jealousy, and afterwards, lest there should be any dispute as to the nature of what was to be considered a hostile armament, it was brought to this determinate point, that there should be a cessation of all armaments. This was acceded to by Spain, and it was observed, that it was a humiliating condition to require of what some gentlemen thought proper to call a neutral power. But this was a character which, from the treaty of Ildefonso, did not belong to Spain. He would admit that it would not be competent to any state to make such a proposition to a neutral power, because such a power might well answer, "We are arming to save our neutrality," or state other reasons that would be deemed sufficient. A neutral power Spain was not to be considered by this country, for this plain reason, that from her peculiar position, any armament that might be prepared in her ports was liable, by the controlling power of France, to be converted at any moment into an hostile armament against us. To put a stop to such armaments altogether, therefore, was necessary to our security, and Spain consented to do so, as part of the conditions of our declining to make war upon her. That this formed the condition of our forbearance, according to the understanding of Spain herself, he need only refer to the several dispatches of M. Cevallos to M. d'Anduaga, and the notes of the latter to our minister for foreign affairs, respecting our complaints as to the preparation of certain armaments in the Spanish ports. These armaments, notwithstanding the most positive engagement to the contrary, it was notorious were in preparation at the time we proceeded to that act, which it was said we should not have attempted without giving previous notice of hostility. But that notice, he maintained, Spain was

was not entitled to look for, because her preparation of any armament, without previous explanation to this court as to the amount and object of such armament, was an act of absolute hostility on her part. The order, therefore, which was issued by ministers on the receipt of Admiral Cochrane's dispatches relative to the armament at Ferrol, was perfectly justifiable. It had been said that the object of that armament was not hostile to this country; but, if not, if it was merely meant for the conveyance of troops to Biscay, as was pretended, why was not the purpose of it explained to this country before the preparation of it was commenced? This was required by the terms of their agreement; but the fact was, that notwithstanding the pretences all-ged, there was something peculiarly mysterious in that armament; something that even to this hour had not been satisfactorily explained. From all appearances, and the information which our government received, it was an armament that he thought could not have been made without a hostile purpose. If even a neutral power were preparing an extraordinary armament, the object of which she should on application decline to explain, the power applying would be justified in considering such refusal a fair object of suspicion, and a full cause of war; what then was to be thought of an unsatisfactory explanation of an armament by Spain, under the circumstances he had already described? That country did, he maintained, by the armament at Ferrol, to which Admiral Cochrane's dispatch referred, not merely afford a cause of war, but actually place herself in a state of war against this country, and of course the orders issued on the 18th of September were fully warranted. Such an armament was, in fact, an agreed cause of war. Spain was the first to break the engagement upon which we promised her neutrality; and she had no right, upon any principle of equity or the law of nations, to complain of the consequences which that breach provoked. When the armaments were made known to our minister at Madrid, his applications to be made acquainted with the particulars of the subsidiary treaty was perfectly natural. We would not be warranted in any longer relying on the interpretations of that treaty, which had been previously given us by the Spanish ministry, that it contained nothing hostile to us; particularly as it appeared that M. Cevallos had, within a few days, differed in his construction of the agreement of forbearance, or, as he termed it, convention of neutrality, which existed between Great Britain and Spain, as to the time

time at which the amount of the Spanish naval armament was to be fixed. The refusal of M. Cevallos to explain fully the nature of the subsidiary treaty, was, in his judgment, sufficient to justify Mr. Frere in quitting Madrid; so far was Mr. Frere from acting with any precipitation, that he considered his conduct to manifest the same degree of moderation that characterized the whole progress of the negotiation. He did not take any step without stating the reasons to the Spanish government, and pointing out the means that should be taken to prevent matters from proceeding to extremity. The learned gentleman recapitulated the arguments which appeared to him to justify the conduct of ministers. There were two distinct grounds for the commencement of the war; first, the violation of the conditions entered into by the Spanish government as the price of our forbearance; and, secondly, the refusal of that government to afford us an explanation upon points respecting which we were entitled to demand that explanation. The violation of the conditions he alluded to, he thought quite sufficient to form the justification of ministers, and that any person who fairly considered all the circumstances of that violation, could not state that the character of this country was stigmatized by the order which they issued for the capture of the Spanish frigates; an order which struck his mind to be not merely warrantable, but to be such that, had they declined to issue it, they would have been guilty of a most criminal desertion of duty. The hon. gentleman concluded with assuring the house that he conscientiously considered the conduct of ministers to be as wise and just as their motives were humane and honourable.

Mr. Fox, without apologising for taking up the time of the house on a subject of such importance, was determined to take it up as little as possible. He would go further, and say, that circumstances which had occurred in the debate that night, and particularly what had fallen from the learned gentleman who had spoken last, considerably shortened what he had to say. With respect to the other points, the speech of his hon. friend who had moved the amendment (*Mr. Grey*), was so entirely unanswered, and allowed to be so absolutely unanswerable by the learned gentleman that spoke last, that he prudently abstained from offering any thing in answer to it. These circumstances, together with the speech of his learned friend (*Dr. Laurence*) abounding so much in knowledge, not only enlightened, but humane and liberal, left very little indeed for him to advert to. What he, on examining them,

them, considered some of the most exceptionable propositions in the statement at the beginning of this debate, had been now, he could not say whether, abandoned or refuted by the hon. gentleman who had just sat down. When he heard of a distinction between an engagement of suspension of hostilities, and an engagement of neutrality, and when he heard of that distinction as a thing that put us in a better condition and Spain in a worse, that to him was the language of fraud, and there was nothing large or liberal about it. But when it was an instruction from Lord Hawkesbury, that the ambassador should preserve the right of war amidst all the negotiations, it was the most monstrous proceeding that ever had been known. The learned gentleman who spoke on the other side the preceding night (Sir John Nicholl,) did not deny the impropriety of such a reservation, but contented himself with saying, it was not necessary for him to enter into it, and, as far as he understood him, he intimated that he would not support it. The learned gentleman who spoke last, with whom he did not agree in every thing he had said on this subject, did not attempt to do away what was in fact unquestionable, that there was an agreement between this country and Spain. On the contrary, he contended for the efficacy of that agreement as a ground of the present war. He did not hear from him the distinction laid down the preceding day, that we were not to be supposed to acquiesce in what we had passed over in silence. He did not hear from him those expressions which were characteristic of a duplicity, which, he was sorry to say, was the most conspicuous feature in the whole of these transactions. He remembered in an ancient tragedy a person complaining that the language of duplicity had been held to him, and wishing that the gods had given two voices, one to speak the truth, the other constrained to utter the language of falsehood. It had not pleased the Creator to form mankind conformably to this desire; but there was still something that had the effect of it; for though truth and falsehood were not uttered with different voices, yet they were expressed in different languages; and if a dictionary were to be formed of the language of fraud and of that of truth, there could not be a stronger distinction than that silence in that of fraud would not signify acquiescence, and that the omission of entering immediately on war, was but the waving of our right for the present, in order to resume it at a future opportunity. The hon. and learned gentleman, he was happy to find, placed the

the question on a different footing. He laid down a remote and a proximate cause of the steps recently taken. The remote cause was the treaty of St. Ildefonso. The proximate causes were two: first, the armaments; and, secondly, the insufficiency of the explanation. With regard to the remote cause, he was one of those who agreed, that the treaty of St. Ildefonso was an offensive treaty, and that, unless it was renounced, it was a just cause of war. But on comparing it with the family compact, he thought the learned gentleman not right in saying, it was more hostile, though that, perhaps, was one of those points that did not bear on the main question. But it appeared the hon. and learned gentleman did not attend to all the parts of the family compact, when he said it did not require the furnishing of succours on demand, without explanation of the cause or object. Whether the words in the treaty were directly such he knew not, but that, on every consideration of the family compact, was the greatest objection to it he well knew. The treaty of Ildefonso was offensive, and gave a right of war; but the question of policy mingled in this instance with the consideration of humanity. It was agreed that the policy of this country was to avoid a war with Spain, and it was a policy in which he had the honour to concur, but not in the course that had been taken. The honourable and learned gentleman did not think the conduct of the government altogether necessary to be taken into the consideration. He differed from him; for when his majesty communicated to the house the war, and not only the general grounds of the war, but also the conduct of his majesty's ministers, the examination and judgment of both were open to the house. He did not like the letter of Lord Hawkesbury to Mr. Frere, authorising him to demand explanation, but allowing him to give no assurance in return. An hon. gentleman (Mr. Banks) had argued that Spain, in this negotiation, was bound to evince candour, and that Britain was bound to shew vigilance, which it ever would, and, at the same time, jealousy, suspicion, and reserve. This was altogether new; for if there was any one thing peculiarly qualified to produce its like, it was candour. But if one party was to be frank, and the other doubtful, he knew not what to think of those who laid down such a reciprocity. When frankness was asked, it was but natural also to give it. This was not the law of nations, nor law of England, but the law of our being, which could not be extinguished or altered but by the annihilation

hilation of our existence. When we ask for frankness we should shew the example; when we call for unreservedness, we should ourselves deal with sincerity and candour. This was a conduct not dictated by any precepts of the law of nations, but arising out of the principles of human nature. He saw by the instructions of Lord Hawkesbury to Mr. Frere, that he was directed to demand an unreserved communication from Spain, a communication which he could not obtain, as Mr. Frere gave no explicit explanation to Spain. This was what was to be regretted, in as much as, until such an explanation was given, it was vain to expect any freedom of communication, and it was not till he had read the papers on the table, that he thought that any person could expect confidence without manifesting sincerity. As to the conduct which his majesty's government had to pursue, there appeared to him but one of two lines for them to follow. The first was simple, and was merely a peremptory declaration of war, unless the treaty of Ildefonso should be formally renounced. The second was more complex, but not less likely to advance the interests of this country. Whilst the disposition of Spain to continue on terms of amity with us lasted, and there could be no doubt that her disposition was at first amicable, measures might have been taken to frame, in conjunction with Spain, a system of neutrality that should secure her from being thrown into the scale against us. This Spain could not do alone; this she could not arrange without our advice, nor, possibly, after being thus framed, act upon it without our assistance. It was not, nor could it be the interest of Spain, to afford France any succours which she could avoid. But when he saw that, from the 2d of June to the 24th of September, Lord Hawkesbury had furnished no light, had forwarded no further instructions to Mr. Frere as to the measures he was to take with respect to that power, what could he say, but that there was a minister at the head of affairs who left every thing to chance during five months, and had made no effort to avert those hostilities which had at length unfortunately taken place? and what five months? A space within which France had compelled Spain to enter into a treaty, by which she commuted the succours stipulated in a former treaty for a subsidy. Of this treaty early intimation had been given to our minister, and with what view? Undoubtedly for the purpose of obtaining advice—undoubtedly for the purpose of procuring assistance, that Spain, if she might happen to disoblige France,

could say that she had done every thing to satisfy the wishes of the king of Great Britain. Mr. Frere knew of this treaty the 12th of September, he was made acquainted with it again on the 20th, and yet not one word of instruction had been received by Mr. Frere on that head till October 24. And what was the consequence? The treaty was concluded without his advice. But as it had been the business of these days, with the exception of the hon. and learned gentleman, to tax Spain, whether impelled by force or intimation, with having done more for France than she was bound, by converting the stipulated succours under the treaty of St. Ildefonso into a subsidy; though this question did not belong to his present purpose, he could not omit to notice it. The question was not what Spain had in this instance done for France, but what she had done for England. Had she not reason to suppose that England would have been better pleased at her contributing the subsidy, than supplying the succours? On the contrary, was it not more likely that it would be more satisfactory to the Government of this country, that even a considerable subsidy should be paid in lieu of the stipulated contingent? On this ground, therefore, he complained on the part of Spain, that if it was thought by ministers that the subsidy would be more injurious to this country than the succours, no intimation of it had been given to Spain. She took what she looked upon as the course least injurious to us. After all that had been said by Mr. Frere on the subject, after all the calculations of the right hon. gentleman-opposite, the preceding day, he was still of opinion that Spain had judged right, not as to the point of fact with respect to the injury of either to England, but from what it had reason to suppose the sentiments of his majesty's government. This opinion he founded on two letters from Lord Hawkesbury to Mr. Frere, and on various parts of the correspondence, which, to save the time of the house, he should not then trouble them with quoting; and as he did not mean to make any intentional mistatement, he should be subject to the correction of any hon. gentleman. In one of these letters Lord Hawkesbury instructs Mr. Frere, in case measures should be taken to furnish the contingent to France, to leave Madrid, which was to amount to a declaration of war; no such measure, however, was dictated in the event of the grant of the subsidy. If Lord Hawkesbury looked upon the supply of the contingent succours as a ground for a declaration of war, whilst he passed over the case of the subsidy, then he con-

tended,

tended, that the Spanish government had judged right, notwithstanding all that had been said on that subject. But what he complained of most was, that his majesty's ministers, with their usual distinctness, had not explained their wishes on this head sufficiently, nor at all to the Spanish cabinet. If they had seen that the predominant influence, or rather, according to his opinion, the predominant power of France in Spain was likely to give a direction to its measures, they ought to have come to some determination, whether it was better to continue the neutrality, or as they term it, their forbearance, or to declare war at once. In all the discussions with respect to Spain, it appeared that she had submitted to what she thought the mode least injurious to this country, and it was peculiarly advantageous that she should have been made acquainted with the opinion of the government of this country with respect to it. But nothing had been done. Allowing the situation of Spain to have been difficult, some effort ought to have been made to assist her; yet she had been left to herself till the time, when she might by circumstances be enabled to disengage herself from the difficulties in which she was placed. Here he could not avoid adverting to what had fallen from the hon. and learned member respecting the conduct of Spain towards the close of the American war, and with respect to the opinion of the opposition of that day. It was usual, in speaking of the conduct of opposition at any one time, to attribute the same principles to the existing opposition. What the sentiments of the opposition to which the learned gentleman had alluded had been, he could not fully call to mind; but this he trusted, that when the present opposition should be no more, and the conduct of the future opposition might be animadverted upon, it would be said that they did not resemble the virtuous opposition of 1805. (The hon. gentleman here adverted particularly to the circumstances of that period to justify the opinion he then held.) He contended, that the influence which France had then over Spain, was only an influence of its government over the government of Spain, to induce it to do what it desired, but quite different from the influence which France at present possessed over Spain, for directing the whole of its power and resources to the promotion of its own objects. As to what had been observed with respect to Portugal, he would ask, whether it was not justifiable to connive at the subsidy extorted from that power. The smaller powers either attach themselves to the greater,

or were obliged to do so; and where there was no evidence of the *malus animus*, their weakness should not be made the ground of resentment. Vengeance should be directed against the great offender.

"Let the little bark of tender sail

"Pursue the triumph and partake the gale."

He remembered when the young Archduke Charles of Austria was signalling his military talents in Germany, that many ministerial advocates in this country claimed a share in his triumphs, in virtue of two millions of money that had been sent out of the country without the consent of parliament (*a loud laugh.*) When Spain commuted its contingent for a pecuniary subsidy, it was natural to suppose they would make that as light as possible, and it could not place them in a different situation from that in which they had stood by the treaty of St. Ildefonso. As to the quantum of the subsidy, he agreed with the learned member, that that was very little to the purpose. If the treaty of St. Ildefonso was a ground of war, he asked whether the change of the stipulated contingent of that treaty altered that ground? Undoubtedly not. But he did not think it possible to waive the right of urging the right for a more convenient time. Mr. Frere, it appeared, had not been instructed to declare war, and yet he had done so. He hoped and trusted that the reasoning of the learned gentleman had convinced the house that a declaration of war pending discussions could not be justified without previous notice. The declaration of war by Mr. Frere, without instructions, had brought a negotiation to a conclusion which might have been conducted to an amicable adjustment. The principle of waving the right of war till it should be convenient to act upon it, seemed like laying up causes or grounds of war in a bureau, where ministers could, at any convenient time, find cause B, cause C, or cause D, when necessary. He agreed with the learned gentleman, and with his honourable (Mr. Grey) and his learned friend (Dr. Laurence) that the two notes of Mr. Frere amounted to an agreement, and in very pointed terms reprobated an expression in one of Mr. Frere's dispatches home, that because nothing he had communicated warranted M. Cevallos's conception of the agreement, he had not protested against the declaration of this conception in one of his notes. If M. Cevallos had been right, there would have been no occasion for any explanation; but as he fell into a misconception, an explanation of his error was absolutely necessary. Lord Hawkesbury also appeared to have pursued the same conduct

duct with respect to a similar misconception of M. d'Anduaga. It might be urged by Mr. Frere, that he had avoided explanation, lest he should be considered captious, but for himself he should prefer being considered either captious or cavillous, rather than to suffer such a misconception to continue. As to the requisition that had been made to the Spanish court, he thought it important that the house should come to some decision. M. Cevallos instantly gave up the sale of prizes, and as to the armament, he declared that none injurious to Great Britain should be entered into. He agreed to one of the demands on Mr. Frere's own terms, and to the other with some qualification, and M. Cevallos did not consider himself bound by the proposition of Mr. Frere, but by his own statement, which he looked upon as admitted. (The hon. member here referred to several of the papers to illustrate his positions.) He could not, begging the learned member's pardon, but consider it as a loose way of talking, to lay so much stress on conversations, where there were two notes, amounting to an agreement, to be referred to. It appeared to him that M. Cevallos had not engaged not to arm, but so as not to give umbrage to Great Britain. M. Cevallos's note of the 27th of July, only denied armaments such as could excite the apprehension of this country; and whatever might be the pride of Spain, he could not have imagined that the whole power of Spain could have been otherwise detrimental to England than as an auxiliary to France; and in denying any armaments for that object, which were the only ones which he ever conceived to have been under discussion, he must have felt that he gave sufficient satisfaction to our minister. As to the use of the term convention appearing in his notes, which had been represented by the right honourable gentleman opposite, as a confusion of a supposed agreement between Spain and this country with the convention of the 19th of October with France, he supposed the mistake might have arisen from the incorrect translation of the original note. As so much stress had been laid on this agreement, in the turn which the debate had taken since the opening, in which it had been industriously placed in the back ground, he would put it to the learned member, whether, if considered with reference to the two notes of Mr. Frere, it could be taken in the comprehensive sense in which he had regarded it? The learned gentleman, and another learned gentleman the preceding night, had talked of a conditional declaration of war. There were many cases in which he could conceive the pro-

picty.

priety of such a declaration, as at the end of a truce, or at a certain future period, in the event of a stated condition not being complied with previously, or under more complicated circumstances, such as if, for instance, a fleet was not to be removed within a certain time from one given port to another. In all these cases the declaration would be explicit and clear, but he contended that such a declaration ought not to be made in the case of negotiations, which might lead to an amicable adjustment of the matter in dispute, and that the declaration in the instance under discussion was far from being clear and explicit. The hon. gentleman further contended, that whoever fairly considered the situation of Spain, the difficulties and calamities of every sort with which she had to struggle, and afterwards seriously believed that she laboured to equip armaments under such circumstances to annoy this country, such a person could not be exceeded in credulity by the simplest of dupes. Could sending three ships from the basin into the mole, and these three ships only half manned, be seriously looked upon as an indication of such hostile armament and intention? Nor was it so absurd, as argued on the other side, to send troops in such ships. If so, it was an absurdity of which we ourselves have frequently been guilty. As to the information received from Admiral Cochrane, he was sure that ministers did not believe the whole of it. What he asserted about Carthagena and Cadiz, most certainly they did believe. As to the subsidy granted in lieu of the contingent in troops, and the convention with France, the tendency of which was affirmed to be so noxious, why, if it was understood to be of that unfavourable nature to Great Britain, was no official inquiry made into it till October last? It appears indeed that Mr. Frere had some conversation about this convention, but not a trace of such a conversation is to be found in the letters upon the table. It consequently is not known whether any interview took place between him and the Spanish minister upon the subject; or whether any written demand was sent in respecting it. Soon after Mr. Frere's recall was determined upon, because his conduct was disagreeable to the Spanish court—and by whom was he replaced? by his brother, and that brother his secretary, who consequently was privy to all his disputes with the Spanish ministry. Could any appointment be more absurd, especially while a gentleman was appointed as ambassador to that court in every respect qualified for the situation, and who might be ready to set out on the notice of a few days. But it was urgent to make the new demand respecting the convention. Mr. Frere was ordered

ordered to make it, and if an immediate answer was not given, his instructions were to quit Madrid. But did not Mr. Frere know the substance at least of the convention? It certainly appears that he did, and even more than the substance, for he roundly asserts there is no article in it respecting Portugal but one. It is said that the detention of the Spanish frigates was merely a measure of precaution, and not an act of war. Is the detention of merchantmen in our ports to be considered in the same light as the seizure of frigates in the open seas? Would it be thought so if the British flag was treated in the same manner? What is taken may be restored, but honour tarnished cannot be repaired; can you restore the lives of so many persons, whose lot it did not seem to be to encounter such perils, who have been sacrificed to this measure of precaution? Surely all this proves the excellence of the old practice of a declaration of war. If such attacks are to be styled customary measures, all war is a measure of precaution. The war of the Succession was such a measure: the seizure of the frigates could not be looked upon as merely a measure of precaution; it was a direct measure of war, and he defied all the learning and ingenuity opposed to him to prove the contrary. But it has been pretty generally objected, that those who hold such language tend to asperse the character of the country. But if such conduct is not to be canvassed, for what purpose does the house meet? Is not the house now assembled to deliver an opinion on it? Does not the whole of the constitution depend upon the consequence and credit attached to the opinion of the two houses of parliament? Are they to delude the people, or to rescue them from delusion? Are they to speak their own mind, or only such sentiments as may be acceptable to government? Before you convince the people of your sincerity, you must first prove you are sincere. For his part, he could not afford a better proof of his sincere conviction, that ministers had acted rashly and unjustly in their conduct towards Spain, than by giving his cordial support to the amendment of his hon. friend.

The *Chancellor of the Exchequer* then rose to reply. He began by saying, that he should not have to trouble the house long, after the very able speech of his learned and honourable friend (the Master of the Rolls,) who left scarcely any objection unanswered, and whose arguments he should not weaken by any unnecessary attempt to repeat them. He denied that there could be discovered the least difference of opinion whatever between his learned friend and himself, when his opinions were

were rescued from perversion. As to our forbearance towards Spain, it was all along attended with a cautionary condition, and if they departed but one day from that condition, our right of war was to be enforced. In all the explanations which had taken place, an attempt was made by the Spanish court, and by those who now adopt their arguments, to bind us by their words, and not by our own. Was that impartial justice? They acceded, however, to the conditions imposed on them by Mr. Frere, which were clearly this, that there should be no armaments. This was the chief condition, and the breach of it gave us a direct right to revert to the hostility of which we had pre-monished them. When we saw the ships equipped, when we beheld them alongside of the enemy's fleet, and prepared to accompany and co-operate with them in any enterprize they might meditate against this country; from what could we judge but from these appearances, and what but these appearances could suggest the means by which we might counteract their designs? Are we not to look to the probability of an hostile intention until we feel the effects of its execution? Did we neglect to adopt precautions to frustrate it, should we not have drawn down upon ourselves the censure and the indignation of the friends of vigorous measures? But it seems that the ships at Ferrol were only half manned. This objection is taken from advices sent by Admiral Cochrane. In order to ground an objection upon them, only some of the facts he adverts to are stated—the others are omitted. The admiral at the same time informed us, that the answer respecting them from the governor of Galicia was evasive: that it must strike us in that light, and he adds, that the crews of most of the ships were in the vicinity of Ferrol, and that they might be assembled at any time in the course of a few hours. Could they then be said to be only half manned; or were we to wait until the armament had grown up from its infancy and attained its confirmed manhood? But Spain would not now act in concert with France as she might be supposed to have done in virtue of the family compact; she would not now as then second her ambitious views. Why? because she now fears France, whom she then loved. Is not fear, then, as strong as affection, and does it not often produce much stronger effects? What could Spain expect from her tenderness, after seeing the manner in which she treats her own subjects? But it is said, if Spain paid the money, she did not furnish the contingent. Might not France require both, if the granting of them served any immediate purpose, and

and thus be enabled to strike a given blow in a few days, perhaps acquire a temporary superiority over our squadron, put to sea, and secure the arrival of the treasure ships? Indeed, the situation had almost arrived, and probably they would have accomplished their object; but not a moment was to be lost: and if it was lost, the treasure ships were safe; for when attacked, they were already in sight of Cadiz. Suppose we had let the frigates come in, and allowed the armaments to go on, the Spanish ships to join those of the enemy, and to sail together with them to Brest; suppose they were there employed to swell the expedition destined against Ireland, and that they had actually succeeded in effecting a landing; had we waited for further explanation, and neglected the advices of admiral Cochrane, in what posture should we now stand, and what face should we presume to put on before the friends of vigilance and vigour? But, thank God, we now are conscious of being placed in a different situation, and in that consciousness we do not hesitate to solicit the opinion of the house upon our conduct.

Mr. Fox and Mr. Pitt severally explained; after which the question being loudly called for, the house divided:

For Mr. Grey's amendment	-	106
Against it	-	313

Majority for the minister	-	207
---------------------------	---	-----

The original motion for the address was then put and carried.

Adjourned at six o'clock in the morning.

List of the Minority.

Adair, R.	Calcraft, J. (teller)
Althorpe, Lord	Cavendish, Lord G.
Andover, Viscount	Cavendish, W.
Anson, Thos.	Caulfield, Hon. H.
Aubrey, Sir John	Chapman, Charles
Bagenel, Walter	Coke, Thos. William
Bamfylde, Sir C.	Coke, Edward
Barclay, Sir Robert	Combe, H. C.
Barclay, George	Cooke, Bryan
Berkeley, Hon. G. C.	Courtenay, John
Best, W. D.	Creevey, Thomas
Bligh, Thos.	Curwen, J. C.
Bouverie, Hon. E.	Daley, D. Bowes
Brooke, Charles	Douglas, Marquis

VOL. I. 1805.

K k

Dundas,

Dundas, Hon. C. L.	Morpeth, Viscount
Dundas, Hon. G. H. L.	Morris, Edward
Dundas, Hon. L.	Newport, Sir John
Durand, J. H.	North, Dudley
Ebrington, Lord	Northey, Wm.
Eliot, Wm.	Ord, William
Erskine, Hon. Thos.	Osborne, Lord F. G.
Fellowes, Robert	Ossulston, Lord
Fitzgerald, Hon. J.	Palmer, John
Fitzpatrick, Rt. H. R.	Pierce, Henry
Folkestone, Vist.	Pelham, Hon. C. A.
Fox, Hon. C. J.	Petty, Lord Henry
Foley, —	Paxton, Sir R.
Francis, Philip	Plumer, William
Grenfell, Pascoe	Poyntz, William S.
Grenville, Rt. Hon. Thos.	Proby, Viscount
Grey, Hon. Charles	Pytches, John
Hamilton, Lord A.	Raine, Jonathan
Harrison, John	Russell, Lord Wm.
Heathcote, John	St. John, St. And.
Hippesley, Sir J. C.	Scott, Joseph
Holland, Henry, jun.	Scudamore, John
Hughes, Wm. Lewis	Shelly, T.
Hulkes, James	Sheridan, R. B.
Hutchinson, H. C. H.	Smith, William
Jekyll, Joseph	Sommerville, Sir M.
Johnstone, George	Spencer, Lord R.
Knight, R. Payne	Stanley, Lord
Ladbroke, Robert	Symonds, T. P.
Latouche, —	Temple, Earl (teller)
Latouche, John, jun.	Townsend, Lord
Lawrence, French	Tyrrwhitt, Thomas
Lawley, Sir R.	Walpole, Hon. G.
Lloyd, J. M.	Ward, Hon. J. W.
Macmahon, J.	Western, C. C.
Maddocks, W. A.	Whitbread, S.
Martin, R. (Galway)	Windham, Rt. H. W.
Milner, Sir W.	Wynn, C. W. W.
Moore, G. P.	Wynn, Sir W.
Moore, P.	Young, Sir W.

HOUSE OF LORDS.

WEDNESDAY, FEBRUARY 13.

The Earl of Kelly and Lord Enniskillen took the oaths and their seats.

Earl Camden presented an account of the military force of the country, at home and abroad, on the 1st January 1805, laid on the table by order of his majesty.

The *Duke of Clarence* said that he had a motion to submit to the house, which, as from the account now laid on the table, he presumed it was the wish of ministers to afford every possible light on the state of the national defence, he should now submit to the consideration of the house. His motion was, that an humble address be presented to his majesty, praying that he would be graciously pleased to order to be laid before the house an account of the number of men, wanted to complete the royal corps of artillery, the horse artillery, gunners and drivers, &c.

Earl Camden objected to the motion, as he had not heard any parliamentary grounds on which it was supported.

The *Duke of Clarence* did not wish to push the motion. He did not consider that a deficiency in this or that particular corps, to the extent of 1200 or 2400 men, could be of such essential importance as to induce him to push their lordships for a decision on the question, when he kept in view how often he might feel himself called on to trespass on their lordships' indulgence in the course of the present session on the subject of a deficiency in every part of the military force of the country. He therefore withdrew his motion.

Lord King moved that an humble address be presented to his majesty, praying that he would be graciously pleased to order to be laid on the table, accounts of the number of persons arrested and in custody, in Ireland, under the late act for preventing the escape of persons guilty of offences from one part of the united kingdom to another; of the number of persons in this situation who had been tried; and of the number discharged, specifying the reasons of their arrest and discharge.

The two first motions were agreed to.

On the third, *Lord Hawkebury* said that he had no objection to the motion itself, so far as it went to require the number of persons who had been arrested and discharged, to be laid on the table. Neither was he aware that any objection lay against the latter part of the motion, requiring

the causes of their arrest and discharge to be specified: The house, however, must be sensible that there might be cases in which a disclosure of this kind would be highly improper, and he must therefore object to it forming any part of the motion.

Lord King agreed to withdraw his third motion, reserving power to himself to bring it forward on any future day, if he should see reason for it.

Lord Hawkebury stated that, in the absence of the noble lords who had waited on his majesty to know when he would be pleased to receive the address of the house on the Spanish war, it was necessary for him to acquaint their lordships, that his majesty had appointed the next day, at three o'clock, for receiving the address. He therefore felt himself called on to ask the noble earl (*Darnley*) if it was his intention to bring forward his motion the next day, or if it would be inconvenient for him to postpone it till Friday? It had been customary, when going up with addresses to his majesty, not to return to the house. There were, however, precedents to the contrary, and if the noble earl insisted on it, the house would undoubtedly be ready to depart from the more usual practice, on the present occasion.

Earl Darnley said that, on the question of fact, whether he did intend to have brought forward his motion the next day, he must say that such had really been his intention. When, however, the situation of things was explained, he felt no hesitation in agreeing to defer his motion till Friday, as being equally convenient to him as Thursday could have been. He begged it, however, to be kept in recollection, that this delay was not to accommodate him; and he felt himself the more called on to desire this to be had in view, after what had fallen from the noble secretary of state for foreign affairs, on a former day, that he would on no account agree to delay the business beyond Wednesday or Thursday. The noble earl at the same time thought proper to say, that he would not, unless for some very substantial reason, again consent to postpone his motion.

The order of the day for Thursday was accordingly discharged, and ordered to stand for Friday.

Mr. Williams presented the tenth report of the commissioners for naval inquiry.

On the motion of the Duke of Clarence it was ordered to be printed.

His royal highness inquired in what degree of forwardness the

the eleventh report of this committee was? He understood that the tenth report contained matter of high importance, and he intimated his determination to see it brought forward in the way which it was becoming that every paper of consequence laid on the table of that house should be attended to.

The exchequer bills bill, assessed taxes commissioners bill, and qualification indemnity bill, were read a second time, and ordered to be committed the next day.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, FEBRUARY 13.

Mr. Mitford presented at the bar, pursuant to order, an account of the exports from, and the imports to, the ports of Scotland from Spain, for the years 1803 and 1804.—Ordered to lie on the table.

Sir John Anderson brought up the report of the committee on the London coal-factors' indemnity bill, which was agreed to, and the bill ordered to be read a third time next day.

Mr. Williams presented at the bar the tenth report of the commissioners of naval inquiry, which was ordered to lie on the table; and, on the motion of Mr. Grey, to be printed.

On the motion of Mr. S. Bourne, leave was given to bring in a bill for appointing commissioners to execute the pension, sugar, tobacco, &c. tax act.

Ordered, on the motion of Mr. S. Bourne, that an account should be laid before the house of the sums of money which had been issued by his majesty's orders, pursuant to addresses of this house, and not made good by parliament.

The house in a committee went through the loyalty loan bill, and the report was ordered to be brought up next day.

Mr. Planta presented, pursuant to order, a return of the persons admitted, for the last six months, into the British museum, together with an account of the regulations established with respect to the admission of persons into the said museum.—Ordered to lie on the table, and to be printed.

Mr. Rose presented the estimates of miscellaneous services, and gave notice, that it was intended to move them in the committee of supply.

QUARANTINE.

QUARANTINE.

The house went into a committee on the quarantine bill. *Mr. Rose* stated the new provisions introduced into the bill. It was before doubted, whether men of war were bound to perform quarantine; this bill went to enact that they should. It extended the obligation of quarantine to vessels coming from places where any other infectious distemper prevailed, as well as to those coming from places infected with the plague. If any such distemper should break out in any part of England, the bill went to enable his majesty, by and with the advice of his privy council, to take such measures as should seem necessary to prevent it from spreading. There was besides a power to compel ships on board which infection had appeared at sea, to perform quarantine; powers to compel persons escaping from ships under quarantine to return on board; and in case of shipwreck, to provide them with other ships, and to inflict the penalty of death if they should resist. There was further, a clause of indemnity for the proceedings relative to some persons who had escaped from an infected ship, that had been wrecked in her passage round from Portsmouth to the place appointed for the performance of quarantine.

The clauses were agreed to, and the report ordered to be received next day.

Mr. Sturges Bourne moved that the second reading of the bill for suspending the habeas-corpus act in Ireland be deferred till next day.—Ordered.

Mr. Rose brought up the report of the committee appointed to prepare the address to his majesty on the papers relative to the discussion with Spain. The address, approving of the conduct of his majesty's government, and promising the most zealous and cordial support in the war, was agreed to, and an order made that the whole house should wait on his majesty with it, and that such members as were of his majesty's privy council should inquire his majesty's pleasure when he would receive it.

SUPPLY.

On the motion of *Sir Evan Nepean*, the house went into a committee of supply, to which were referred the estimates of extraordinaries of the navy, the estimates of miscellaneous services, and the paper relative to the British museum.

The

The following sums were voted on the motion of Sir Evan Nepean:—

1,004,940*l.* for the ordinary of the navy, for the year 1805.

1,553,690*l.* for extraordinary expences of building and repairing ships, &c.

975,000*l.* for the hire of transport ships.

525,000*l.* for the maintenance of prisoners of war in health.

57,000*l.* for sick prisoners of war.

Also the following sums on the motion of Mr. Huskisson:—

415,000*l.* for the payment of claims of the united states of America.

135,721*l.* for the claims of American loyalists, &c.

53,719*l.* for the expence of convicts at home.

20,000*l.* for law charges.

12,000*l.* for the expence of the public office, Bow-street.

29,000*l.* for the expences of printing and stationary for both houses of parliament.

10,476*l.* for allowances to protestant dissenting ministers in England and Ireland.

20,000*l.* for the civil establishment of New South Wales.

175,000*l.* for foreign and home secret service.

7,620*l.* for defraying the expences of the offices for the superintendence of aliens.

5,000*l.* for the repairs of military roads.

8,371*l.* for the expences of the civil establishment of Canada.

7,165*l.* ditto, Nova Scotia.

4,650*l.* ditto, New Brunswick.

3,150*l.* ditto, Island of St. John's.

2,040*l.* ditto, Cape Breton.

2,130*l.* ditto, Newfoundland.

4,438*l.* ditto, Bahamas.

580*l.* ditto, Bermuda.

600*l.* ditto, Dominica.

Two sums of 3,000*l.* and 8,000*l.* for buildings, &c. for the British museum.

The report was ordered to be brought up next day.

The adjourned debate on the conduct of the late sheriffs of Middlesex, was further put off till Tuesday next, on the motion of Mr. Huskisson.—Adjourned.

HOUSE OF LORDS.

THURSDAY, FEBRUARY 14.

The lords met this day about two o'clock, when the three millions exchequer bills bill, the qualification indemnity bill, and the assessed tax commissioners bill, went through committees, and were ordered to be reported next day.

The second reading of Lingham's divorce bill was postponed till Monday.

The Lord Chancellor, accompanied by their lordships, then proceeded in state to St. James's, to present the address to his majesty.

HOUSE OF COMMONS.

THURSDAY, FEBRUARY 14.

The house met at an early hour, and Lord Stopford intimated that his majesty had been graciously pleased to appoint three o'clock that day for receiving the address of the house.

The house immediately went up to St. James's with the following address:

"Most gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Commons of the united kingdom of Great Britain and Ireland, in parliament assembled, beg leave to assure your majesty, that we have taken into our most serious consideration the papers which have been laid before us by your majesty's command, relative to the discussions which have taken place with the court of Spain.

"We observe with the greatest satisfaction, that, through the whole of the transaction, your majesty has carried your moderation and forbearance to the utmost extent which was consistent with a due regard to the honour of your crown and the interests of your dominions.

"While we fully concur in the propriety and necessity of those prompt and vigorous measures of precaution which your majesty found yourself compelled to adopt in consequence of the naval armaments fitted out by Spain, we see at the same time a fresh proof of your majesty's earnest desire to avert, if possible, the extremity of war, in the fresh opportunity which your majesty even then offered to the court of Spain to enter on pacific negotiation.

"Impressed with these sentiments, and fully convinced of
the

the justice of the war, which the conduct of the court of Spain (evidently under the influence and controul of France) has rendered unavoidable, we shall not fail to afford your majesty our most zealous and cordial support in every measure which may be necessary for prosecuting the war with vigour, and bringing it to a safe and honourable termination."

On the return of the members to their house, the Speaker stated that his majesty had been graciously pleased to return the following answer to their address:

"Gentlemen,

"I return you my warmest thanks for this dutiful and loyal address.

"Your entire concurrence in those motives by which I have been actuated in my conduct towards the court of Spain, affords me the highest satisfaction.

"The cordial and zealous assurances of your continued support will, I trust, enable me to bring this new contest to a safe and honourable termination."

Accounts which had previously been ordered from the Treasury were presented, and ordered to lie on the table.

The coal-merchants' indemnity bill was read a third time and passed.

Mr. Lascelles moved that an account of the number of exchequer bills unpaid on the 5th of January, be presented to the house. The papers were afterwards presented, and ordered to lie on the table.

Mr. James Fitzgerald moved that several papers, relative to the charges on the consolidated fund of Ireland, &c. which were laid before the house on a former day, be printed.—Ordered.

Mr. Foster presented petitions from the society for establishing protestant schools in Ireland, from the roman catholic seminary, the house of industry, the royal college of surgeons in Ireland, the Hibernian school, and several other public institutions, which were severally read and ordered to lie on the table.

The estimates of the expences of several of these institutions were afterwards presented, and the right hon. member gave notice that he would, the next day, move that they be referred to a committee of supply.

Mr. Huskisson brought up the report of the preceding day's committee of supply. The resolutions were read a first and second time, and agreed to, and bills ordered accordingly.

The loyalty loan bill was reported, and ordered to be read a third time next day.

SUSPENSION OF THE HABEAS CORPUS IN IRELAND.

Sir Evan Nepean moved the order of the day, for the second reading of the bill for suspending the habeas corpus act in Ireland.

Lord Henry Petty claimed the indulgence of the house, while he offered his sentiments on this important occasion. He felt it the more necessary to state the grounds of the difficulty he had in acceding to the suspension now, as he had suffered it to pass without objection in two other instances, since he had the honour of a seat in that house. He was reluctant, because no ground whatsoever had been laid for the proceeding. He would not say that no possible case could arise, in which this abrogation of the greater part of the liberties of the people would be justifiable; but these should be cases of notorious and imminent danger. Was there now such danger existing in Ireland? If there was disaffection, it was not notorious; if there was rebellion, it was working in the dark. The house was called upon to pass this measure at its peril, as if the danger attached to the house, and not to the government. The peril rested on the government, because it had assigned a cause for the measure which it had not made good: it would have attached to the house, if on the shewing of a good cause, it refused the necessary powers. At present the house was called upon at a notice of twenty-four hours, without shewing any grounds at all. At first the house was made to believe that Ireland was in a most tranquil state; and now, when it was asked whether it was not so, the answer was, that though it appeared to be tranquil, sedition existed. When the hardships of a suffering individual (*Mr. Todd Jones*) were adverted to, the answer was, depend upon it he deserves what he suffers. Was this the way in which parliament ought to be called upon to pass measures like that then before the house? It was said the power would not be abused; and he was ready to give credit to *Lord Hardwicke* for all the rectitude and moderation the advocates of the suspension declared him to possess; he would go further and say, that his knowledge of the secretary gave him still further confidence that this trust would be respected in the hands of the Irish government. But it was not in the power of one or two individuals at the head of affairs to attend

tend to every particular case throughout the whole extent of Ireland, especially when all the passions of individuals were alive, and personal animosity seeking to wreak its private revenge by means of aggravated and frequently unfounded crimination. Could these one or two upright individuals, in the situation in which they were placed, apply to every case the same impartial justice, and the same fair examination, which would be given by a jury of twelve men deciding on all the circumstances? It was impossible they could, and yet this was the sort of substitution which the house was called upon to sanction without any inquiry whatsoever. It was matter of notoriety, that in the mild, moderate, and lenient administration of the Marquis Cornwallis, hardships had been suffered on false grounds, and even that the innocence of the injured individuals had been in some instances acknowledged after their sufferings, and their reputation been cleared from the unfounded imputation. One case in particular he would mention, which had been redressed in a manner highly honourable to the feelings of that administration. It was impossible that arbitrary powers, the exercise of which in a great extent of country, must be entrusted to subordinate persons remote from superintendence, could exist without abuse. This was the case under the alien act here. He would not then enter into any inquiry as to the necessity of that measure. But it was certain that it had been made the means of much private vexation, and the instrument in many instances of the basest and most unworthy motives. And if in this country, such had been the effect of a measure which applied only to five or six hundred foreigners residing amongst us, what might be expected to be the operation in Ireland of powers so much greater on as many millions of men? He did not deny that sufficient grounds for the suspension may exist. What he did contend was, there was wanting that notorious and imminent danger, which alone could supersede the necessity of inquiry. He should, therefore, have felt himself bound to give his negative to the second reading, if it were not for a hope he entertained, that in the committee some person of more weight than he would move, that the duration of the bill be limited to two months, for the purpose of instituting an inquiry into the necessity of the suspension, in order that, if so great a portion of the liberties of the people should be abrogated, it might be done in that solemn and decorous way which the importance of the thing required, and to which inquiry was indispensable.

Mr. Ker deplored the suspension, but still more the necessity of it. The resolution of the magistrates of the county of Waterford, published in an advertisement, to petition the government for the strong measure of sending troops to free quarters in the disturbed parts, was sufficiently notorious to have stood for a just ground for the suspension with the hon. baronet (*Sir J. Newport*). In the county he had the honour to represent, it was desired by the loyal; and those who were formerly most clamorous against it, now acknowledge the necessity of it.

Sir John Newport, being alluded to by the last speaker, offered a few remarks in support of the consistency of the opinion he had formerly thought it his duty to deliver. He did not deny that there were appearances of disaffection in some parts of Ireland, but he never could admit the principle, that because one part of a kingdom was deficient in the duty they owed to their king and country, the whole kingdom was to be placed beyond the pale of the common law of the land. He was aware of the proceedings to which the hon. member alluded, but he thought that they afforded no reason whatever for the measure now before the house. The fact was, that the principal offenders in the county of Waterford were now actually in gaol, and liable to be tried by the judges of assize. It was not therefore to be argued, that the proceedings referred to offered even an excuse for a bill which had a tendency to place the whole people of Ireland beyond the protection of the common law. On a former day he had not argued that the measure in question was unnecessary, but what he required was an inquiry to demonstrate its necessity. Nothing short of a notoriety extreme and uncontradicted, could, in his opinion, justify this measure, and conceiving that this necessity had not been made out, he had moved an amendment, the object of which was to institute that inquiry, by which only a fair decision of the house could be formed. He wished the business to be probed to the bottom, and he never would submit to the suspension of the habeas corpus act, unless on the clearest grounds.

Mr. Pitches resisted the measure, as calculated to destroy the effects of the union, and to detach Ireland from her affection to this country, at a period when such affection was most earnestly to be desired. Not a tittle of evidence was adduced to shew that any thing in the state of Ireland required such a violent measure as that proposed. Ministers themselves

themselves must have thought that Ireland was in a state of tranquillity, since in the speech from the throne nothing to the contrary was stated. He disclaimed the monstrous idea of suspending the liberties of the people of Ireland, because a traitorous committee of Irishmen at Paris had represented the people as ripe for rebellion. He was therefore decidedly against the measure, as equally impolitic and unnecessary.

The motion for the second reading was then put and agreed to.

On the motion for the house going into a committee on the bill next day,

Mr. Fox rose to ask, whether, as the discussion on the slave trade stood for next day, that business should take precedence of the further progress of this bill?

Mr. Pitt stated, that the discussion on the slave trade would certainly take precedence of the subject in question.

Sir John Newport gave notice, that he would the next day move for an account of all pensions on the Irish establishment granted since the 1st of January, 1804, as far down as the same can be prepared.—Adjourned.

HOUSE OF LORDS.

FRIDAY, FEBRUARY 15.

The Earl of Rosslyn took the oaths and his seat.

Sir J. W. Anderson brought up from the commons the coal-factors' indemnity bill.

The different bills on the table were advanced each a stage.

Counsel were further heard in the Irish appeal cause *Fairfield v. Morgan*, and judgment on it was deferred till the 1st of March.

LORD ST. VINCENT.

The *Duke of Clarence* rose, and expressed much anxiety and impatience to obtain a plain answer to a question which he had put on a former night, and which he should now repeat more particularly, as he was happy to see a noble viscount in his place (*Sidmouth*), by whom he thought this question might be most satisfactorily answered. What he was solicitous to obtain an answer about was, the inquiry instituted last session respecting the conduct of the late first lord of the admiralty: a noble admiral for whom, for these twenty years past, he had uninterruptedly entertained the highest esteem and regard; and although for a time he might politically differ, yet at no period was there any abatement in the attachment and friendship

ship by which he felt bound to that gallant admiral. The object of the question which he then had to put was, whether ministers intended to institute any further inquiry into the conduct of the noble admiral, during his administration of the naval department; and if the noble viscount would declare, whether he imagined any charge whatever could attach to the public conduct during that period, of the highly meritorious, distinguished, and illustrious naval officer to whom he had alluded?

Lord Sidmouth expressed his readiness to satisfy the illustrious duke as far as depended upon him. Respecting the question itself he had no hesitation to say, that he did not think there was the least colour of charge against the conduct of the noble and gallant admiral; and could he feel any hesitation in saying so, he should bely every sentiment, either public or private, which he had ever felt or acted on. He was fully convinced that the noble and gallant admiral's conduct was uniformly such as to claim the approbation and gratitude of the country, so far from his thinking any blame imputable to him either on public or private grounds.

The *Duke of Clarence* said, that there were other questions respecting which he was anxious to obtain some answer from his majesty's ministers. Indeed it had been his intention to offer some motions to their lordships, principally respecting two material points, the state of our naval and military defence. They were points which at all times called for the utmost vigilance and attention, but at the present time more especially, they could not be too minutely and vigilantly attended to; and the debate of that day might afford some light upon these topics. He had heard it reported that morning that the Brest fleet had got out, and consequently every thing relative to the defence of the united kingdoms should engross the whole of our care and attention. But the question he would then more particularly put, was, whether ministers had it in contemplation to make any change in the present system of the volunteer forces? He felt anxious to have some information upon that point, as it was one respecting which it was his intention to submit a motion to the house.

Lord Hawkesbury could not exactly say, whether his majesty's government had at present in contemplation any change whatever in the system of the volunteer force. No doubt, should any change occur to them which promised to improve that valuable force, and to render it more efficient, they would feel it their duty to adopt it with all due promptitude. This

was

was the only answer he could give to the illustrious duke ; and indeed he could not think himself warranted in offering any other.

The *Lord Chancellor* left the woolsack, and declared, with some warmth, that as an individual peer, he must protest against the putting of such questions.

The *Duke of Clarence*, with equal warmth, replied, that he never should be deterred by the noble and learned lord from putting what questions appeared to him to be proper ; nor should any thing the noble and learned lord could say about his conscience, or any other argument he could urge, succeed in proving to him that he was wrong on the present occasion. He should never be silent when any thing occurred to his mind that was conducive to the honour of his sovereign, or the interest and glory of his country.

THE NATIONAL DEFENCE.

Lord Darnley rose to bring forward his promised motion respecting the state of the national defence, more particularly as it was affected by a measure passed last session, commonly called the additional force bill. His lordship said, that what he had to offer in support of the motion, with which he should conclude, would lie in a narrow compass, as the papers on their lordships' table abundantly proved the necessity of adopting his motion. The noble lord then went into a survey of the different arguments which had been urged by the friends and framers of the bill, when it was first introduced, all of which experience had now proved to be more or less futile and nugatory. The number of men which it was the object of the bill to raise, was 16,000 ; but if their lordships looked to the papers on the table, and examined how much each county had furnished of their quota, they must instantly be convinced of the total failure of the measure, and of the utter inutility of persisting in it. His lordship then instanced several counties where the failure was most flagrant ; yet this was the measure which the new administration had brought forward immediately on their coming into power, which they held forth as the most satisfactory and triumphant proof of their superior abilities, while it was to expose the inefficacy of the measure produced by their predecessors to answer the same object. The principal person who framed and introduced the bill, a bill on which he declared he had employed the

the utmost meditation and diligence, not content with establishing the result of his own labours, very vehemently arraigned the incapacity of the ministers of that day, and their utter insufficiency to produce such measures of defence as the critical state of the country so imperiously called for. The offspring, however, of all this pomp of promise was the additional force bill, which has notoriously failed, and which has been found far more inefficient than the measures which the incapable ministers had produced. Among the more triumphant arguments which, at the time, were employed to prove the success with which the measure must be attended, was the personal influence that would be exerted in every part of the country to give it effect. But mark the result. Who could be supposed more powerfully and more successfully to exert his influence in that respect than the author of the bill, a gentleman whose talents and authority have long been acknowledged and felt throughout the country, and even had for twenty years wielded all the powers of persuasion so entirely at the disposal of a minister. Yet on the very spot where that gentleman's influence should be most directly felt, and where he principally intended to display the fruit of the labours which he had bestowed on this measure, out of the five hundred men which the Cinque Ports were to furnish, only one man was prevailed on to come forward at the all-powerful nod of the Warden. Where then have vanished all his boasted promises? Were promises nothing? Here the noble lord thought he might be indulged in a few observations upon the language then held out by the present ministers, in declaiming on the incapacity, and reprobating the measures, of their predecessors. And who are the persons who compose the present administration, that have so successfully substituted vigour for weakness, talents for incapacity? Does not the majority of the present administration consist of those very persons who, when in place, were branded for imbecility? The nature of the change which formed what is called the present administration, afforded much disappointment and regret to him; much surprise and disappointment to the country at large. But what must now be the astonishment of every man, when we behold at the head of his majesty's council that very person whom his present vigorous and enlightened colleagues then held out to the world as the very child and champion of incapacity itself? The measures, however, which that child of incapacity produced, were vigour and efficacy itself, especially when

when compared with the measure under discussion, of which so much had been so boastfully promised, and of which so little had been reduced to effect. The measure had failed in Ireland as notoriously as it had in this kingdom; but to dwell longer upon it, would only be an idle waste of their lordships' time and patience. The noble lord concluded by moving the repeal of the act, and brought in a bill to that effect

Earl Camden stated his reasons for not agreeing to the repeal of the bill which the noble lord who opened the business had so severely condemned. When the bill was first introduced it had been warmly opposed, and a great degree of prejudice was excited against it, both in parliament and throughout the country. The number of men yet raised by its operation was, he admitted, considerably below what might have been naturally expected. But when all the circumstances under which it was to be carried into activity were kept in view, this was less a matter of surprise, as time was necessary to give it a fair chance of success. He had thought the army of reserve act a good measure for giving a large and speedy augmentation to the regular army. But it was not denied that the army of reserve act was accompanied by many inconveniences, which it was very desirable to remove. It had been particularly the means of introducing high and unprecedented bounties. Government perceived the necessity of destroying this evil if it could possibly be effected, and the expedient which they had fallen on to accomplish this object was the very act which the noble lord proposed to repeal — With that view, the militia from ninety was to be reduced to forty thousand, and fifty thousand were to be added to our disposable force by recruits from the militia, and the temporary levies to our regular army. The number which had enlisted from the army of reserve into the regulars was a conclusive proof of the general principle on which the bill was founded. But the bill held out, not only encouragements connected with the army of reserve act, but others peculiar to itself. It was founded on the aid of local influence and strong public zeal, and he was confident that if both these were properly applied they could not fail of producing the most important effects. If these were at any time, or in any district, totally dormant, the penalties which the bill inflicted, where the quota was not furnished, would furnish powerful means of recruiting for general service. The manner in which the bill was drawn offered strong inducements for the exercise of patriotism, and when properly understood, he had no doubt of its answering every object for

which it was originally framed. If the bill were now repealed, the consequence must be that recourse must be again had to those high bounties to which the army of reserve had given rise, and to that system of balloting which it was allowed on all hands should be abolished as equally impolitic and oppressive. He was sorry that the merits of the bill were so much confounded with the character and merits of the administration. The noble lord who opened the business had described the measure as a decisive evidence of the inefficiency of that administration who had held out such mighty promises to the country. He had, at the same time, argued, that such an administration as that now presiding over the national councils, was not such as the people required, or the state of the empire demanded. It was painful to him to dwell on a subject so personal, but he felt it to be due to himself and his colleagues in office to state that if all the circumstances attending their acceptance of office were developed, much of the obloquy heaped on them would be spared. They had obeyed the call of their sovereign, from a sense of duty; they had not sought office from an inordinate thirst for power; they had not been hostile to that extended administration which the noble lord had declared to be what the country expected, but they could not, consistently with their public feelings, refuse their services when they were called for by the sovereign at a difficult and trying crisis. The noble lord might lament the absence of an extended administration, but he had no right to arraign his majesty's ministers for the arrangement, such as it now existed.—But returning to the immediate question before the house, he conjured their lordships not to listen to a proposition for repealing the bill, at the time that it was beginning to produce the effects to be expected from it.—Noble lords, when they talked of the state of our military force, did not seem to be aware how much had been added to it in the course of the last year. This number was no less than 28,000, of which there were no less than 18,000 for unlimited service. When noble lords objected to the small numbers raised by this bill, they ought to bear in mind that at this moment there were nearly 800,000 men in arms, besides nearly 100,000 engaged in commerce, or other employments, which took them out of the way of the recruiting service. It was not, therefore, at all a matter of surprise that men were raised with difficulty, and he was sure that the amount of the men raised last year was no sort of proof of want of activity on the part of the executive government. An impulse had been given to the

the recruiting service which, if suffered to go on, would, no doubt, be productive of the best effects. To repeal the bill would be to interfere with this impulse, and under this conviction he felt it his duty to resist the noble lord's motion.

The *Earl of Suffolk* declared that he could not discover from the documents on the table, where that large increase to our military force alluded to by the noble lord was stated. He saw only a statement of a few thousand men raised by the bill in the different parts of the united kingdom. To talk, as the noble lord had done, of the effects of zeal and personal influence in insuring the success of the bill, was quite nugatory. The experiment of the effect of these had been tried, and had been found inefficient in producing the end in view. In proof of this, the noble earl stated, that in that district in which the personal influence of the right hon. author of the measure chiefly lay, only six out of the quota of five hundred men had been obtained. It was quite clear from the past that nothing had been effected by the bill, and there was very little hope of much good resulting from it in future. Being a bill totally useless in the attainment of its object, and being attended with many oppressive circumstances, he should certainly vote for its repeal. Before he sat down, he only begged leave to say, that if our force was really so much increased as had been described, the merit of this augmentation belonged to the late administration, and not to his majesty's present ministers. It was not therefore either fair or just to claim the merit of services in which others were solely interested.

Lord King was anxious to know on what grounds ministers were desirous of resting the merits of the bill. He wished to understand whether they meant it as a bill for recruiting our army, or a bill for raising money. If they meant it as a bill for raising men, it was clear, from the returns on the table, that it had completely failed. Ministers then, by opposing its repeal, certainly now meant it to be considered as a bill for raising money. But it had been said by a noble lord opposite, that if the bill was repealed it would be necessary again to have recourse to the ballot. He, for his part, professed himself no friend to the ballot, but in proposing the repeal he was convinced that his noble friend merely meant to pave the way for a complete review and amendment of our whole military system, and the adoption of such arrangements as would necessarily preclude the appearance of the ballot for ever. The noble lord next wished to know whether the idea of enlisting men for a limited period was to be acted upon, and contended

that the experience derived from the army of reserve was a sufficient proof of the inadequacy of such a measure. This inference he could not for a moment admit. Because men were trepanned, as it were, from one service to another, this was no proof that the system of enlisting for a limited period would not, if well arranged, be of infinite advantage. His lordship complained that the failure of the bill in producing the quotas required must be felt highly oppressive in many parts of the country. In the county of Surry the fines for deficiencies amounted to upwards of twenty-one thousand pounds. On a calculation twenty-five thousand pounds would amount to one shilling and sixpence in the pound, imposing a burden on the landed interest greater than that which arose from the property tax. The right hon. author of the measure had, previous to his coming into power, talked of nothing but increasing the disposable force of the country. Not a moment was to be lost in gaining this object, and surely it was not asking too much from him to require that in his hands this object should be constantly and steadily pursued. Not a month was to elapse before the army was to be placed on that footing which the circumstances of the country required. But what had they done since their accession to office to effect this great object? They had literally done nothing. Instead of the recruiting of the regular army, their whole attention had been occupied with catamarans, or other equally futile experiments. While the concentration of the national force was totally neglected, the attention of ministers was engrossed by ridiculous projects, and all this from men who were to exalt the amount and character of our disposable force, to a point of unprecedented glory. With all their boasting, they had done nothing; and those ministers, whom they had traduced as the weakest and most inefficient of rulers, had now obtained as complete a triumph over their accusers as if they had actually returned to power. Yet after much decisive evidence of the inadequacy of the measure, he was astonished to find the noble lord declaring that it was the intention of ministers to persevere in it. But the house was told that the difficulties which formerly stood in the way of the bill were now done away, and that henceforth local influence and personal zeal would produce astonishing effect. Their lordships certainly had no reason to be very sanguine, from the experience of those circumstances on which the whole efficacy of the bill was grounded. It was not a little remarkable, that in Kent, where the influence of the noble lord might be supposed to be powerful, only eleven men

out

out of the quota required had been procured. In the North Riding of Yorkshire, with which another noble lord opposite (Lord Mulgrave) was peculiarly connected, not even one individual had been procured under the provisions of the bill. Was it not pretty conclusive evidence of what was to be expected from the continuance of this nugatory and oppressive measure? It was, however, on such grounds as these, that their lordships were called on to resist the repeal. Even previous to experience, a majority of the representatives for this part of the kingdom had voted against it, as wholly inadequate to the object which it professed to have in view. It would be unaccountable indeed, if they should now alter that vote after the grounds of it had been so completely established by experience. Viewing the bill in this light, he most cordially acquiesced in the motion of his noble friend, and hoped that a majority of their lordships would see reason to vote for the repeal.

The *Duke of Cumberland*, alluding to a phrase in the noble lord's speech, when he had intimated that men were trepanned from the army of reserve into the regular service, denied, in the strongest terms, the existence of any such practice. He was sure there was no gentleman, having the honour to serve his majesty, who would ever think of resorting to it.

The *Earl of Westmorland* thanked the noble lord who had brought forward the motion, for the opportunity afforded him of entering into a discussion of the merits of the bill, as well as the charge of imbecility made against ministers. However unpleasant it might be, he felt himself called upon, for the purpose of reasoning the matter fairly, to go back to statements brought forwards at the time when the bill was first introduced. It was to be observed, that when the war first broke out, the militia was completely disembodied. How far the bill which limited their term of service to the conclusion of the war was or was not politic, he would not then pretend to decide. A noble lord opposite, (Lord Grenville,) would not, however, pretend to say that his majesty's late ministers were to be censured for disbanding men whose term of service was limited, by an act passed during a former administration. Of the militia so disembodied, no smaller a number than ninety thousand was to be raised. The reserve army of fifty thousand was to be added to this number, besides forty thousand men to complete the deficiencies in the naval establishment. Thus two hundred thousand men were to be raised, and the whole were nearly completed in twelve or fifteen months. A great
scarcity

scarcity of men accrued, and high bounties naturally sprung out of the unprecedented demand for recruits. It became necessary to counteract these growing evils, and for this purpose was the bill originally framed. To accomplish this, several objects were to be effected.—In the first place, the ballot was to be abolished; and, in the next place, a body of men was to be formed, whose term of service was to be more extended than the militia, and a sort of depot was to be formed for better insuring supplies to the regular army with the greatest possible facility. Now, the policy of having a large provisional force ready to be called out whenever the country was plunged in hostilities, would not, he thought, be easily denied by any man who took a proper view of the relative situation of this country and of Europe. For his own part he thought that without such a provisional force, the king's crown would not be safe on his head, nor would the country be secure against a sudden attack of a desperate, malignant, and enterprising enemy. The history of this country had sufficiently demonstrated the necessity of such a provisional force. Indeed, from the want of such a force at the commencement of a war, we had never been able to enter on it with the advantages which we should otherwise have enjoyed. So far as the bill then went to form and organize such a force, he could not consent to its repeal. But noble lords were anxious for the repeal, because the bill for the purpose of raising men had been found totally inadequate. Noble lords, however, seemed ignorant what were the circumstances on which the success of the bill was in a great measure to depend. Before the bill could be carried into activity, it was necessary that the deficiencies in the militia and army of reserve should be ascertained. In doing this considerable difficulty occurred, and a good deal of time was necessarily consumed. It was only now that it was coming into full activity, and therefore to propose the repeal of it was contrary to every principle of justice, as well as expediency. If noble lords would take the trouble to look at the returns, they would find, that in the last two weeks the number of recruits was no less than six hundred, a number much greater than had taken place in any two preceding weeks. It was to be observed too, that the fines were not yet imposed on the counties, and therefore till this was done, it was not fair to say that the bill had received a full and fair trial. He had mentioned that in two weeks six hundred recruits were obtained, and if the same success continued, this would produce a supply of fifteen thousand men. Was it then

then fit or proper to discard a measure from which such an augmentation might be obtained, without ascertaining whether it was really capable of producing such an important result? He confessed himself a good deal surprised at the language of several noble lords respecting the right hon. author of this measure. Formerly they described him as possessed of every talent and capable of every exertion. Like Jupiter, he was represented by them as pervading and directing every part of the political machine. Now, however, he was fallen from his high estate, and divested of all his powers. Perhaps the noble lords imagined, that unattended by those who formerly moved round him, no longer supported by his satellites, he had lost all claim to reverence, and the paragon of excellence and power was converted into a mere image of imbecility. These noble lords could best explain this unaccountable language, and best describe the grounds of the new connections they had formed. But while noble lords were so anxious to get rid of the measure, he wished to know what they had to substitute in its place? Not surely the ballot, which on all sides was allowed to be impolitic. Not the army of reserve, the expediency of suspending which had been admitted. There was nothing to be substituted in its place, and therefore he could not consent to the repeal at a moment when the bill was on the eve of producing all the effects expected from it. He denied that even at present our army was not on a respectable footing. In no war had England ever such an army two years after its commencement. The bill held out every prospect of still further augmentation, and therefore he felt it his duty to resist the repeal.

Earl Spencer thought it unnecessary to occupy the attention of the house long, as, in his opinion, the question lay in a very narrow compass. Their lordships would not be surprised to find him decidedly in favour of the repeal, when they recollected the objections he had formerly stated to the bill, and when he now added that, according to his ideas, every one of those objections was fully confirmed. Being persuaded of the repeal being founded on reason, justice, and policy, it was perfectly consistent in him to support a motion which had this object in view. It was not, however, so very easy to see how the noble lord opposite, and some of his colleagues, who had also formerly condemned the measure, now stood up in support of its continuance. It had been objected to the repeal, that if this took place the ballot must ensue. This, he must contend, did by no means follow. The noble lord had asked, whether

whether his noble friend had any thing to propose in the place of this bill. To this the answer was simple, that his noble friend certainly did look for some more efficient measure from the right honourable gentleman at the head of his majesty's councils. As, however, there was a design expressed to continue this bill, his noble friend felt it his duty no longer to delay a motion for the repeal of a measure at once unwise, impolitic, and oppressive. But the noble lord ought to have recollected, that when the army of reserve suspension bill was proposed, many of those who now resisted the repeal, contended, in opposition to those who called for a substitute, — Let us get rid of this, and then we shall have time to think of a substitute. Having made these preliminary remarks, the noble earl proceeded to the direct consideration of the question. It was, he maintained, a matter of notoriety that the bill, as applied to the raising of men, was quite nugatory. The prospects held out by the friends of the measure had been found totally abortive, and he could not conceive any thing more absurd, than to expect from such a measure any thing like an augmentation to our army. To look up to it for such an object was really downright absolute trifling. He would not, therefore, take up their lordships' time further on this point. The only point of view in which it could be considered was, that it was a bill for raising money. Viewing it in this light he had no difficulty in pronouncing it unequal and oppressive. The fines were levied exclusively on land and houses, which was contrary to that radical principle of just taxation, that public burdens should fall equally on the country at large. In this light, then, the bill was unjust in its principle, and ought to be repealed. But, in the operation of the bill, a door was opened for undue partiality, and the burdens might in many instances fall heavier on one district than another. It was to be observed, that when the men were recruited, the officers had the power to apportion the recruits, and it was in their power to send to particular districts those of suspicious characters, while others in whom they could place confidence were sent to other stations. If any number of the recruits deserted, the burden fell upon the districts where they were stationed, and in many cases it would be allowed that the burden might be oppressive to the last degree. To a bill vesting such unequal and oppressive powers he never could yield his assent. As to what had been urged respecting the number of recruits procured during the two last weeks, it really proved nothing if admitted. But the fact was, that the whole of these

these recruits were not obtained by the bill, but by general recruiting throughout the country. Here, however, the noble lords who opposed the repeal argued for the delay of a year or two, to give the bill a fair trial. Surely they could not be serious in holding such language. The grand recommendation of the bill was, that it was to operate as an immediate measure, and by its extraordinary rapidity of execution, atone for the tardiness of the late ministers. It was strange to think what new light some noble lords must have received on the subject. Last year they had opposed the bill because they thought it impolitic and unnecessary. Now that experience had proved its nullity, they had got such new light as enabled them to vote against the repeal. It was for these noble lords to explain such inconsistency. His lordship disclaimed all idea of renouncing any of the principles which had ever regulated his public life. It would be time enough for noble lords to accuse him of inconsistency when any proofs of it appeared in his conduct. What he conceived to be most calculated for the prosperity and honour of the country, that he pursued; and he disclaimed any connection with any set of men which would ever make him forget this object. He concluded with declaring his hearty approbation of the motion for the repeal.

Lord Sidmouth rose, not to gratify the curiosity of the noble lord who had just sat down, but to discharge a public duty, and that without having opened his eyes on the merits of the question, according to the allusion of that noble Lord. Before he should state the grounds of his opinion, he begged to repeat all the reasons and sentiments that had been advanced by the noble earl near him. If he had abandoned any sentiments advanced on any public measure, then the anticipated charge of the noble earl who had just sat down might apply. But he had ever regulated his public conduct by the dictates of his conscience, and he owed it to the approving sense of conscious integrity, that he always acted steadily. He begged leave to advert to the circumstances under which this bill had been introduced into the other house. At that period, a bill for suspending the operation of the army of reserve act had arrived at its last stage in its progress through that house. A change of administration then took place, when the present measure was submitted to parliament, coupled with other military measures, which had been opened by his right hon. friend (Mr. Yorke) then secretary of state. As to the opinion he then entertained of

the efficiency of the measure, it remained still unaltered, and all that had occurred during its operation, only strengthened him in that opinion. He had been of opinion, that there was a better mode of attaining the military object which the bill professed; but if that military object could be attained by other modes, the necessity of raising the force would do away every objection. He was confident of its not being disputed, that no step ought to be taken to repeal this measure before it should be ascertained whether it would be successful or not. Here again he had no hesitation in declaring his expectation not so sanguine as that of his noble friend. He was sorry that parliament, by agreeing to the measure, had placed it in such a situation. The bill he had originally disapproved of, and he disapproved of it still. Could it be said, that the experience of its operation was such as to warrant a conclusion that it had failed? The number proposed had not been raised; but the question was now, whether it has failed to such a degree as would justify parliament in repealing it? He was sorry parliament had agreed to that part of it which imposed an onerous penalty. But without some compulsory power there would be no efficiency. If the penalty should be incurred, and the man should be produced before it was levied, three fourths of the penalty would be remitted. No judgment could therefore be formed of the bill until the penalties should come to be levied. It had in last session been deemed expedient to remit the penalties for the army of reserve. If this bill should fail, and he was not very sanguine as to its success, he was sure that the framers of the bill and parliament would not continue it, by raising a heavy tax for recruiting. Measures of importance had already been taken for carrying the bill into effect, and considerable expence incurred for officers for receiving recruits. He agreed with his noble friend, that the support of this measure would come with a very ill grace from those who supported the late army of reserve, if they had not brought forward a measure, whilst members of administration, for the suspension of the army of reserve act. A very considerable reduction had taken place in the militia, under the operation of this measure. He was one of those who objected to any reduction of the militia. He was one of those who, upon constitutional grounds, thought that the militia should bear a large proportion to the regular army. But he now found there was a better reason for the reduction, the militia establish-

ment

ment having a deficiency of five hundred officers, notwithstanding the measure that had been resorted to for allowing half-pay officers to be appointed to militia commissions. That circumstance alone pointed out the necessity of the reduction of the militia. He felt perfect relief and satisfaction at this reduction, though he wished the military to be kept up, in the volunteer force of the country. He did not wish the volunteers to be kept up at the expence of the other descriptions of force: our security lay in the diversity of our military means. The volunteer force identified with the people, and was the tribute of a free people in support of a free constitution. He did not see any grounds for the motion, until experience should prove that the bill could not succeed; but though it should succeed to the extent of his noble friend's expectation, even then he should think it would require revision and alteration. It had been stated, early in the debate, that he had characterised it as inefficient. He had always thought the army of reserve bill a necessary measure; and when this measure was opened, the ballot was included in its provisions, which being afterwards given up, he had stated that rigour had been abandoned for inefficiency. The noble Lords who proposed to repeal this measure, ought to have stated what else they would propose in its stead. Was it the ballot? That could not be resorted to, having already exhausted all its effect. To raise men for rank from the militia? or to raise men for limited service instead of for life? The recruiting of men for limited service had produced the greatest inconvenience by large bounties. He had the satisfaction to state, that this measure did not interfere with any other mode of recruiting, and that a considerable augmentation had been gained to the regulars in pursuance of the measures that had been projected by the late ministers; in additions to the German legion, to the black troops in the West Indies, and in the levy of four out of the eight new battalions which they had proposed to raise. The noble lord then proceeded to justify the measure of raising men for rank. He had that night, for the first time since he had the honour of a seat in that house, heard what he had been accustomed to hear in another place, but what made little impression on him, of the inefficiency of his majesty's ministers. But when he heard of the defence of the country having been neglected, he begged to rely on the monumental records of the exertions of government, and the extent of force which it had raised in a short time for the protection

of the country. The noble lord here enumerated the different species of force, and their several amounts, which had been raised within his administration, and begged pardon of their lordships, for having adverted to this topic, which he had done purely to repel the charge of a neglect of his duty. He had stated his reasons for opposing the motion; the grounds laid for which did not seem to him sufficient to move for a bill to explain and amend the bill; to which the motion referred. No man, however, could be more ready than he was to concur in removing any burthen that might operate partially or onerously on the public.

The *Duke of Clarence* most heartily concurred in every sentiment expressed by the noble viscount with respect to the bill under consideration. Whenever he entered that house, it was only as a peer, and he should ever urge such arguments as should strike him to be pertinent. He had to thank the noble lord for the arguments which he had used on the subject of the bill under discussion, in every one of which he most cordially concurred. He had been singularly impatient to hear the sentiments of that noble viscount respecting a bill which when minister he had opposed. In justice to the late ministers he could not but admit that they had raised a very great force. But a great part of his majesty's present ministers had accused the late administration of imbecility, and represented their dissolution as the only chance of security for the country. His majesty's government was changed, and the new government brought forward the present inefficient measure. He had stated that there were errors in the volunteer system, and as a volunteer officer, who paid considerable attention to his duty, he was confirmed in his former opinion. He would state with pleasure his sentiments, as there were so many military noblemen of considerable experience present. His royal highness then accused both the present and the late administration of having neglected to perfect the system of the volunteer force, which would fall entirely off, unless some better system should be substituted. His royal highness then took a review of the state of the army in every part of the empire. The details he had procured from the public offices, and by no other channel, for, indisposed as he was to support the present administration, it was not likely that any of those employed in the public offices would furnish him with any but public official documents. After a detailed enumeration of the estimated force and actual amount of the military in
all

all parts of the empire, his royal highness asserted that there was a total deficiency of 86,360 men. With such an alarming deficiency we could not undertake any active operations against a powerful enemy, who possessed an extent of coast from the mouth of the Elbe to Malta.

Lord Mulgrave observed that there was one point upon which an illustrious duke had dwelt with some force; but, as those papers to which that illustrious personage had referred were not upon the table, he should not think it necessary to take up their lordships' time, or endeavour to engage their attention with any comments of his upon any unauthenticated report. There was another subject, however, which had been alluded to by different noble lords in the course of debate, upon which he should take the opportunity of making a few observations. He should not have felt himself called upon to answer the insinuations which had been thrown out against himself and other noble peers with whom he now acted, were it not that a noble viscount (Sidmouth) had entered so much into the subject. But first, with respect to the motion before their lordships, he must observe that, at a time when the country was called upon for extraordinary levies, he felt it his duty to declare that it was his wish to enforce personal service by ballot, conscription, or any other mode that would be found most efficient to accomplish the object. But considering the measure as one calculated to raise either men or money, he could judge of it best by comparison with the other measures which had received so much commendation from other noble peers. In those acts there were scarcely any exemptions, but in the case of a poor man having a certain number of children, and those who were incapable of serving and who were not worth 500*l.* The penalty on all others who were drawn, and did not serve, was 20*l.* This was exposing every man to a sort of lottery, by which it might be his lot to be compelled to pay the sum of 20*l.* and the repetition of the levying of such a penalty might in many cases be grievous in the extreme. Whereas, by the bill which their lordships were now called upon to repeal, the penalty for non-service was divided among the inhabitants of the particular parish or district in which the failure of the levy had taken place. Unless their lordships were to adopt a measure of compulsory service, he thought it was impossible to conceive a system that would be less objectionable than the present law. As to the argument of the probability of partiality in its execution, which had been advanced by the noble
earl

earl in the blue ribbon, that would be prevented by the parishes being taken in succession by lot. Most probably the mildness of the execution of that law, was a principal reason that it had not succeeded in raising the full number of men which it was originally calculated that it would. Two modes had been recommended for raising the necessary complement of men: the one, that of raising a number of men by high bounties for a limited term; and the other, that of officers raising a certain number, in order to obtain a higher rank in the army. He had been long enough in the service to see, that both of these modes were highly objectionable; but the latter was most peculiarly so, as it was a lavish proportion of rank and a meagre contribution of men. Upon the whole, he concluded, that the law which the house was now called upon to repeal, was not so liable to objection as those which had been recommended to their lordships' consideration. His lordship then adverted to what had fallen from other noble peers, respecting the opinions which had been entertained by himself and others with whom he had lately formed a union. When noble lords advanced a charge of dereliction of principle, it should have been upon more solid grounds. For his part, he had never felt that he deserved such an accusation: he therefore thought it his duty to repel the imputation. He had an opinion that government was not sufficiently strong for the exigencies of the times. He consequently wished to see those persons, or rather that person in office, who had carried the country safe through times of the utmost difficulty and danger. He then called upon the noble lords to make their charge good, if it was in their power to do so; he called upon them to state upon what ground this imputation was cast upon his character, or why the reputation of those with whom he acted was attempted to be lessened in the esteem of the house or of the public. If the charge could possibly be made good, it was fit that it should be made known to the country that they were no longer worthy of filling their offices. If any difference of opinion should be stated to exist between them on some particular subjects, that was not a sufficient ground for charging them with a dereliction of principle. He trusted that there was so much good sense in parliament and in the country that they would know how to appreciate their conduct, and that they would not be induced to form erroneous opinions upon such loose insinuations. He was conscious that he had discharged his duty as a good subject, and as an honest and independent member of

of parliament. But he could not suffer a charge of the nature of that which had been laid before their lordships to be advanced by one noble lord, and then to be supported and dwelt on by another, without endeavouring to repel the imputation. If there should not be any further explanation as to what was the cause of such a charge being brought against himself and those with whom he acted, the house and the country would no doubt see their conduct in its proper light. As there was not any argument urged against the present law which might not have been with equal propriety advanced against any other measure for the military defence of the country, except a plan for compulsory service; and as there had not been sufficient experience of the extent of the operation of the bill to authorise him conscientiously to say that it had not had the effect intended by the framers of it, he felt it a duty incumbent on him to support the law as it now stands, and vote against the motion of the noble lord who had opened the debate.

Lord Grenville remarked that the contradictory language and conduct of the noble viscount (Sidmouth) and his noble friend who followed him, had already been most perspicuously pointed out by a noble friend of his in the course of the debate, if that were material to shew the inconsistent grounds upon which those noble lords thought proper to resist the motion before the house. But for himself, he declined to dwell upon such inconsistency. He never was fond to argue public measures upon references to the character or motives of any individuals who might oppose or second such measures. With respect to the motives of his noble friend (Mulgrave), he had no doubt that he was satisfied of the rectitude of the motives which actuated his conduct, and so no doubt was the noble viscount (Sidmouth) also, although the ground he stated for the vote he announced his intention of giving upon this question was rather singular, and one of which he never could persuade himself to approve. He could not say with the noble viscount, that although he always disapproved of the bill, he should still agree to let it go on, and for what purpose? Why, that if it failed of its military object, the penalties should be enforced, which penalties, notwithstanding, the noble viscount professed to dislike. There was another reason also which the noble viscount mentioned to justify his resistance to the motion, which struck his mind to be still more singular than the former, namely, that although he considered the bill originally inefficient, and still

still retained the same opinion, yet that as parliament had acceded to it, it would not be respectful to parliament to repeal it so soon after its enactment, without affording it a farther trial. Now, instead of its being respectful to parliament, to continue such a measure so unproductive in men, and so unjust, if productive in money, he should feel it to be quite the contrary, and a glaring mark of indifference to public security at this dangerous crisis, to decline putting an end at once to that mischievous tampering with our military system, of which the bill under consideration formed a part. When this bill was originally introduced, it met the strongest opposition from some noble lords, who recommended a different plan, which, upon comparison, they contended to be infinitely superior: but what had become of that opinion now? how came those noble lords to shut their mouths? why not come forward and submit their plan at present? did the change of situation produce a change of sentiment among those noble lords? Certainly if they thought, a few months ago, that the plan they supported was likely to be more productive of men than the measure to which the motion before the house referred, nothing had since occurred that could fairly account for their departure from that opinion. Their experience should rather serve to strengthen the preference they before appeared to give to their own plan.—For although the bill to which they on the present occasion professed to feel so much indulgence, had had eight months to operate the important consequences that its authors and advocates promised, it was still confessedly unproductive. This confession the house had heard from the highest authority, and the fact to which that confession referred, the house must recollect to have been foretold by him, and several of the friends of the noble viscount, at the time the bill was proposed. They said that it would not be productive, and its advocates asserted the contrary, and very confidently too, but yet they came forward that evening with a statement that gave a direct negative to these confident assertions. They admitted that that project, which was to produce sixty battalions, as a nursery for the regular army, had in point of fact afforded comparatively nothing; and yet when the repeal of such an act was proposed, the noble viscount said, “No, retain it.” This surely was rather strange. He did not, however, mean to charge the noble viscount with a desertion of principle. He hoped the noble viscount acted upon principle, as he trusted it would not be denied that he did

did in calling for the repeal of a bill, the original passing of which he had used his utmost endeavours to prevent, upon grounds that now turned out to be completely justified. Upon the same grounds he would, on the present occasion, press upon the good sense of the house the justice and necessity of relieving the country from this burdensome, troublesome, and odious measure. "But no," said the noble viscount, "the bill has not a fair experiment until the penalties are enforced;" and yet, added the noble viscount, I do much disapprove of such penalties. In what a dilemma then did the noble viscount place himself? According to his opinion, the penalties ought not to be enforced. This opinion then held out an encouragement or premium to such parishes as should not raise their quotas, and of course tended to prevent the execution of the bill. On the other hand, he observed, that if the penalties should be collected, the bill would succeed as a pecuniary, if it failed as a military project. Into a comparison of the merits of the plan said to be in the contemplation of the noble viscount and his colleagues last year, with that now under discussion, he did not think it necessary to enter; nor, if it were necessary, was he competent to it, as he was not acquainted with the entire nature of the noble viscount's plan, as stated in the other house of parliament. One part of it, which he understood to be an augmentation of our black corps, he most cordially approved of, and should thank the noble viscount for carrying it into effect. But there was another part from which he begged leave to express his decided dissent, namely, the raising men for rank; this was a system which he would ever deprecate, and one of which he could not speak but with the most painful sensations, because experience had convinced him of that which he felt it his duty to acknowledge, that in the share which he bore when in his majesty's councils, in advising the adoption of that measure, he acted extremely wrong. He therefore conjured his noble friend (Mulgrave) to reflect upon the nature of that experience, and not allow himself to be led away from any consideration of local interest, or the prospect of local or temporary benefit, again to have recourse to that mischievous system. Feeling as he did, with respect to such a system, he could not see, without serious regret, from the papers on the table, that some men had been lately raised under it. He had heard some months since, that such a thing was intended, but he had hoped that the change of ministers would have put a stop to it, particularly as his noble

friend always appeared to concur with him as to the consequences likely to arise, or which were rather inseparable, from that mode of recruiting. In defending the measure under debate, he observed that his noble friend seemed to think that he had drawn a most satisfactory conclusion in favour of this plan because he had succeeded in exposing the inefficacy of the quota bill and the army of reserve bill towards the farther supply of the regular army; but in this he conceived his noble friend to be begging the question, for he denied the bill under consideration to have any tendency to raise men. On the contrary it appeared to him to be merely a bill to raise money. He therefore objected to it, and regretted to observe the resolution of ministers to press its continuance, still more as they seemed to shew no disposition to bring forward any proposition for the efficient increase of our regular army. There was a plan to which he took occasion to allude in the course of the last session, he meant the recruiting of men for general service for a limited term. To this plan ministers did not then declare any objection, but merely required time to consider of it: of this time they had since had enough, and yet no intention was manifested on their part to bring the plan before parliament; but rather, from what had been said that night, it appeared that impediments would be thrown in its way, if it was submitted to the house; and noble lords had said, that this plan had been tried already, and found to be unsuccessful; but he contended that it never had had a fair experiment in the case alluded to. It must become the general, settled understanding among the public, that this is to be the condition of enlistment before it can have such fair opportunity of operation as to form a judgment upon it. There had been so much confusion and perplexity in consequence of the frequent and rapid succession of changes which had of late years taken place in our military system, that a great degree of jealousy, distrust, and uncertainty, prevailed among that class of men who generally entered into the army. Until that class should feel that the mode of enlistment he referred to should be established as a general principle, familiar to their habits and minds, he did not think the efficiency of the plan could be fully and fairly judged of. Whether or not it should become necessary in the course of the session to call for higher measures for our military defence, he hoped that a plan, recommended by so many men of great military experience, and by the obvious principles of human nature, would be brought

brought under consideration. Such a plan, operating in conjunction with the old and simple mode of recruiting, would, it was his firm conviction, be much more effective than all the complicated machinery introduced by the bill under discussion—a bill, the repeal of which would not, as was pretended, involve the necessity of resorting again to the army of reserve act. This was a bugbear which some noble lords had conjured up in their fancy. If this bill were repealed, surely the house would not abrogate its legislative functions; and if an additional force were found to be necessary, the house would be free to enter into the subject; and it would be hard indeed if, without much exertion of mind, it should not devise a more efficient project for raising such force than this bill presented. The question, upon the whole, for the consideration of the house at present, he thought to be shortly this—Was an additional force necessary, or was it not? If it was, this bill was useless towards obtaining it; and, if it was not necessary, to allow this bill to continue was pregnant with mischief and danger. Upon this he would rest the whole argument. “With these impressions before me (said the noble lord) I have thought it unnecessary as well as improper to argue this measure on personal grounds. I have ever cautiously avoided that mode of treating any public question. It has always appeared to me the more regular, becoming mode, to argue the principle and merits of the measure without any reference to the motives, feelings, or character of the persons by whom such measure is supported or opposed. Such is the line of conduct I have pursued on this occasion. I should be sorry to say that any individuals are influenced in their public conduct by unworthy considerations, and least of all should I say that which my thoughts would not warrant respecting the individual to whom my noble friend (Mulgrave) has particularly alluded in the course of his observations. My noble friend, feeling hurt by some personal remarks, which he conceived addressed to himself, has thought proper to make my personal conduct the subject of discussion. I am accused, if I understand the accusation, of having passed my life in terms of intimate friendship with a person of great weight and high rank, and having acted for many years in concurrence with him against an opposition, comprehending persons of great ability and consideration in the country. To this accusation I plead guilty—I have lived from early years in habits of the warmest friendship with the right hon. gentleman alluded to; and I do not think there

is any thing in the present situation of affairs that is likely, either on his part or on mine, to dissolve that friendship. This opinion is founded upon a conviction of the integrity of my right hon. friend's character and views, and that he holds a similar sentiment with respect to the character and views of any man whom he deems worthy to be his friend. I cannot suffer myself to suppose that he can entertain such an injurious and insulting opinion of his friends, that they should sacrifice their conscience, and abandon their principles, to follow any line of public conduct that he may think proper to pursue. As to that part of my noble friend's accusation which refers to my present concurrence with persons from whom I formerly differed upon some points, which are now no more; is there any one so little acquainted with human affairs, and with the parliamentary history of this country in particular, as to suppose it a fair subject of censure, in a man to avail himself of the co operation of any person from whom he can derive honourable support in the attainment of great and desirable public objects? If this principle required illustration, to whom should I look with more confidence than to the example of the man to whom my noble friend alluded. It was the fate of that person to act in opposition for many years to several noble persons with whom, on the arrival of that crisis, the commencement of the last French war, he did not hesitate to form a coalition, and one of those noble persons retains to this hour a seat in his majesty's cabinet. Nay, more, has not my right hon. friend sought to establish a co-operation in the government of the country with that very party, or rather that individual, upon my present connection with whom my noble friend has taken occasion to congratulate me this evening? When the country had been brought to the brink of ruin, by that weak, incapable, and inefficient administration, which my noble friend and my right hon. friend also so strongly and so justly reprobated, it was the wish of all good men that an administration should be formed, comprehending all the talent, ability, and influence which the country furnished, in order to save the state in the great crisis that menaced it, and which, in my judgment, is still far from being removed. Upon this subject there seemed to be a perfect concurrence among all honest and independent men in parliament, and it was notoriously the expectation and desire of nine-tenths of the people. No one more cordially embraced the opinion than my right hon. friend, and if I am accused of an intimate connection with the

the hon. person alluded to, what is to be thought of my right hon. friend (the chancellor of the exchequer) who did all in his power, and I do sincerely believe that he did, to introduce the same person into his majesty's cabinet? Is it dishonourable in me to act with this honourable person on points in which we completely agree, while it is deemed honourable in my right honourable friend to have gone into his majesty's closet to advise his sovereign to appoint the same person to one of the highest offices in the state? Can it then be seriously considered inconsistent, or any thing like dishonourable in me now to act with that illustrious person? Impossible. Let not my noble friend indulge the idle hope that such a delusion can ever be practised upon parliament or the country. If it were practicable it is extremely in politic, and something more, at present to attempt it. The crisis which so imperiously called for a vigorous and cordial union is not yet gone by. No man should, under such circumstances particularly, endeavour to promote discord; rather to conciliate unanimity, than to enflame differences—rather to bury than to revive the recollection of former animosities, is at present peculiarly the duty of every honest man. What then should be thought of any man who would attempt to introduce the bane of discord into the councils of his majesty, in order to thwart the wishes of the country—in order to form a cabinet upon the principle of personal exclusion? This is a principle, my lords, of which I never can approve, because independently of its operation to prevent parliament and the people from enjoying the administration they desired, and which it was their particular interest to have, it tends to establish a dangerous precedent, that would afford too much opportunity for the operation of private pique against the public interest. I for one, therefore, refused to connect myself with any arrangement that should sanction that principle, and in my opinion, every man who accepted any office in that administration, is according to the letter and spirit of the constitution, responsible for its character and construction, and the principle upon which it is founded. Having said so much as to the manner in which the present administration has been formed, I again repeat, that it is my wish to treat the question before the house rather on public than personal grounds. I do not mean to condemn any man, or arraign the motives which actuate his conduct. The few observations which I have thought it necessary to submit in justification of my own conduct, I hope the house will feel, were called

called for by the pointed manner in which I have been alluded to in the course of the discussion."

Lord Melville said, that what he had to offer to their lordships' consideration upon the nature of the bill which was the subject of discussion, should be very brief; conceiving as he did that the question narrowed itself to a very small compass indeed. He perfectly agreed with the noble lord who had just sat down, that nothing could be more imprudent than to tamper with the military system of the country; and upon this very ground it was that he could not consent to the repeal of a measure which had for its object to produce a regular system. Were such a repeal to take place, some other expedient must be resorted to, to supply place of the present; and upon this principle, instead of having any prospect of accomplishing the system desired, we should for ever be trying experiments upon the army, and, as in the instance then proposed, abandon measure after measure before time could be had fairly to ascertain the efficacy of any of them. It had been argued that the bill had had eight months' experience, and was found to have failed. Now the fact was, that from the obstacles which had occurred in its execution, instead of eight it had not had more than the experience of three months. At the time it was passed, parliament was much divided, and it experienced an opposition beyond any thing that had of late years been witnessed. A prejudice was in consequence excited against it in the public mind, and he was sorry to say that that prejudice was encouraged to a considerable degree by those who had been such determined opposers of the measure in parliament. The consequence was, that several months had elapsed before any attempt could be made to carry its provisions into effect, and under these considerations he felt himself justified in saying that the bill had not had a fair trial. As far as it had been tried it certainly had not failed, and from the short experience we had had of its effects, he had no doubt of its becoming a very efficient measure. It was founded upon the principle of the army of reserve act, than which a more useful or proper measure for the desired purpose had never been devised by human wisdom; for, out of 37,000 men raised for limited service, 18,000 had been procured for the general purposes of the army to serve in any part of the world. The object of the present measure was to increase the regular forces by similar means, and to procure men for unlimited service, through the medium of limited experiments. This end he had no doubt would be effectually accomplished;

for

for it was a well ascertained fact, that men become used to arms in any capacity, would soon feel an inclination, whether from the desire of enterprize or glory, or the temptation of bounty, to attach themselves altogether to the military service of their country. Various expedients had been resorted to for the purpose of forming a regular system for the maintenance of our military establishment, but none of them had a tendency to render the expedient a permanent one. The present, however, possessed that desirable quality in an eminent degree, and therefore was it necessary that a fair trial should be had of its effect; but above all, it would not, surely, be deemed prudent to repeal the bill when no other measure was provided to supply its place. The noble lord (Grenville) had expressed a wish that the old system of recruiting might be recurred to; but experience had proved that so far from that system being capable of supplying the force which the present circumstances rendered it necessary to keep up, it was an undoubted fact, that it had been found inadequate to the purposes even of the former comparatively low establishment of the country. It was the proof of this circumstance that had led to the several expedients of the supplementary militia, the army of reserve, &c.; but as those measures were only temporary, it had been judged necessary to establish a system that promised a more certain and permanent supply to the regular army: and this object, he repeated, the present bill was calculated to accomplish. Upon this part of the subject he should not take up the time of their lordships any longer; and it was with regret that he adverted to what had dropped from the noble lord (Grenville) at the conclusion of his speech. In the first place he begged leave to observe, that the subject originated not on his side of the house, but with the noble lord (Darnley) who had brought forward the motion then before their lordships. He by no means thought that those who differed in opinion on particular occasions should never after unite in a common cause. His sentiments, indeed, were widely different from any such principle; especially when it proved that, as was the case in the late re-union of his friends, no fundamental principle whatever was violated on the part of any of them. These, he observed, had been in the habits of the strictest friendship from their earliest years; they never differed upon principles; their only difference was upon points of practice, and of course no formidable obstacle had ever presented itself to the reconciliation which had been effected. If others had acted upon different principles, he was sorry for it; but

at

at all events, he thought it would be more becoming the character of gentlemen, and consistent with public duty, to be less acrimonious in their remarks, and to touch as little as possible upon subjects of this nature; for if by such accusations the public were led to suppose that men from their political connections acted more from party and selfish motives, than from feelings of public duty, the consequence could not be either favourable to them or advantageous to the cause of the country.

Lord Fife said a few words in support of *Lord Darnley's* motion.

Lord Hawkesbury contended that even those who in the first instance, and compared with some other system, saw objections to the act which it was now proposed to repeal, might now with the most perfect consistency vote in favour of that which was established. He thought, therefore, that the charges on that head against his noble friend (*Lord Sidmouth*) and others were totally groundless. The measure had been adopted by parliament, it had laid the basis of a system for the recruiting of the army, and being adopted, it ought to be preserved unless something manifestly much more advantageous could be substituted in its place. Nay, though it could rank only as second or third in comparison of another plan, it was better it should be retained than that uncertainty and fluctuation, on a matter so important, should prevail. Besides, the act had not had a fair trial. It had been passed amidst much heat of party—it was not till November that it began to be acted upon, and even under all these disadvantages it had produced a considerable number of men; and if it went on as it had for the last two weeks the number raised during which was 300 each week, it would in a twelvemonth produce 11,000, and that without at all interfering with the other mode of recruiting. He was of opinion that our whole force was equal to the necessity of our situation, and that nothing was wanting in it but that the proportion of disposable force should be increased. He approved of the reduction of the militia to the old number of 40,000, on this account, that it would facilitate the enlargement of our disposable force. The army of reserve had been of the utmost utility, by supplying, in a short time, a greater number of men than any other measure could have done. Experience too had shewn that the best means of speedily augmenting the general regular force was to enlist the men first for limited service, and to this system the government ought to adhere. As to the enlisting of
men

men for a limited time, he said that differences of opinion prevailed among the most intelligent officers. The question had been attentively and impartially weighed by ministers; and no such satisfactory reasons to rely upon its utility had appeared as to justify them in resorting to it. For his own part he was convinced that it would not be attended with the advantages expected from it. Upon the whole, he thought that the act now in being should be continued; and he trusted too that the penalties it imposed for not raising the men would be exacted; for if it were imagined that they would not, or that the bill would be altogether repealed, no exertions would be made to carry its provisions into effect; and from this cause, perhaps, it had not hitherto been so successful as it would have been, though the experience they had of it should induce the parliament to persevere in it. He then adverted to the remarks of a more personal nature which the allusions of the noble mover had introduced. He admitted that in a government like this, difference of opinion must exist, and that such differences, though naturally accompanied with occasional warmth or hostility, ought not to be any bar to men concurring and acting together for the public good. The merits of such unions, however, must be decided by the circumstances under which they arose, and the motives by which they were prompted. It was not easy to lay down any general grounds on which they could be judged. He would say, however, that if men had long been in the habit of friendship, confidence, and concurrence in sentiment, on public affairs, and on fundamental points of the constitution did not disagree, their re-union was at least as natural as their separation, and could not afford any ground of suspicion of their integrity and consistency. On the other hand, if those who had been in constant hostility and opposition to each other on all public questions, who had differed on the most essential principles of the constitution, who had opposed each other with no common acrimony in questions supposed to be connected with the very salvation of the state, did happen to form a political coalition, he confessed he thought such a coalition would be more liable to suspicions than a re-union of those who hardly ever had thought differently, and hardly at all on fundamental points. When he saw a union formed of those who thus had never agreed in constitutional doctrines, who had entertained such opposite sentiments on a question of peace or war; that the one had declared that peace on any reasonable or honourable terms was the policy, and the other maintained that war was

the system till a peace was obtained, which no man could have seriously believed to be, in the state of Europe which then existed, attainable; when those who had formed the coalition; too, equally disagreed in their views of domestic as of foreign policy, the one considering as deadly attacks on the liberties of the country those precautions which the other had supported as essential to the preservation of the country; such a coalition he thought marked it the object of astonishment, if not of indignation. Much had been said of widening the basis of the administration; but he confessed that in looking at the circumstances he had just mentioned he could not form any expectation that such an arrangement could be either permanent or useful: neither could he consider coalitions with a view to form such administrations as at all compatible with the principles of the constitution. The beauty of this government consisted in the just distribution of the power and influence of king, lords and commons: but a confederacy of powerful men to dictate the administration, would in effect annihilate king, lords, and commons, and constitute an aristocratical usurpation destructive to the balance of the constitution. Such, at least, had been the sentiments once entertained of a celebrated coalition by the noble baron on the other side, and those sentiments, having learned them from him and others, he still retained.

The *Earl of Buckinghamshire* confessed, that he had voted against the measure last session, and that many of his objections to it had not yet been removed. Yet he did not think himself called upon at the present moment to reject the bill; because, upon giving attention to the manner in which it had been put in force, he did not imagine that every thing had yet been done that might tend to give it effect. Above all, he was of opinion that the penalties should be enforced; were that not the case, the country must abate in their respect for parliament; and he could not believe it to be necessary to impress upon their lordships' minds, how essential it was to uphold the authority of parliament. He was a little surprised to hear some noble lords for whose opinion he entertained great respect, speak so lightly on the point; and he must beg leave to recommend to them, to think of the consequences more seriously.

The *Lord Chancellor* left the woolsack, and took a view of the question. He compared the act with that by which the army of reserve had been raised, and he contended that the former followed up the spirit of the latter, moderating its operation because

because it was no longer necessary to apply it with so much energy. The principle of the army of reserve act was to raise men by imposing pecuniary penalties on parishes; the present bill did the same in a much less degree, because the army of reserve act had done all that could be desired from it. Indeed, a more useful measure, he was satisfied, never had obtained his concurrence; and happy he was to reflect that all the military measures of the incapable and imbecile ministry, as it was called, had his most cordial and conscientious approbation. If the present act was repealed, it would only have the effect, indeed, to repeal the only new military measure of the present cabinet, and to revive the army of reserve act, that reprobated measure of the incapable administration. He contended, that the bill had not had a fair trial; for how could it be expected, that after bounties had been so high as 60*l.* or 70*l.* men would all at once be found for 12*l.*? nor could they be found, if it was understood that the present act was to be repealed, and new measures, or the old, under which bounties had been so high, were again to be resorted to. He begged it to be understood, that he entirely concurred in thinking, that the pecuniary penalties should be enforced, if not, that would be an argument with him for repealing the act.

Lord Darnley replied, and disclaimed any idea of personality in his observations, though he considered it as a fair and proper subject of remark, that so great a change had recently taken place in his majesty's government, as that the leading member, in the late incapable administration, had now so conspicuous a station and so great an influence in the present, and that the majority of the cabinet should now be composed of those who had composed that incapable ministry, which the present minority in that cabinet had so lately contributed to overthrow.

The house then divided on the motion of *Lord Camden*, that the bill (for repealing the additional defence act) be rejected.

For rejecting *Lord Darnley's* motion 113, including proxies.

For *Lord Darnley's* motion - 45, ditto.

Majority for ministers - 68.

Adjourned at half past one o'clock in the morning.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 15.

Mr. Baker took the oaths and his seat, as member for Hertfordshire.

On the motion of Mr. Wallace, it was ordered, that Dr. Hall, Canon of Christ Church, Oxford, be desired to preach before the house, on the 20th inst. the fast-day.

Mr. Rose presented accounts of the extraordinaries of the army, from the 25th December, 1803, to the 25th December, 1804.

Sir John Newport moved, that there be laid before the house, accounts of all pensions on the Irish establishment, granted since 1st January 1801, down as far as the same could be made out.—Ordered.

A message from the lords acquainted the house, that their lordships had agreed to the exchequer bills bill, the commissioners for the assessed taxes bill, and the qualification indemnity bill.

Mr. May presented a petition from the retail merchants of Belfast, praying that the act, laying a duty of six per cent. on imports made by the retail traders, under a certain amount, may be repealed, as operating very much to the disadvantage of such traders, while giving an undue advantage to the wholesale dealers.

On the question being put that it lie on the table,

Mr. Foster rose to say, that he had no objection whatever to its lying on the table, but did not wish to be understood for that reason as concurring in the object of the petition.

Mr. Ker pledged himself to support the petition, and said it had come from people of the greatest respectability, and was signed by persons of every denomination.

Mr. May presented a petition also from the wholesale dealers, stating their readiness to concur in the object of the preceding petition.

Both petitions were ordered to lie on the table.

Mr. May gave notice that on Friday next he would move for a repeal of the duty complained of by those petitions.

On the motion of Mr. Huskisson it was ordered, that accounts should be laid before the house, of the distribution of the money granted by an act of last session, enabling his majesty to raise two millions five hundred thousand pounds, for

for purposes therein mentioned. Mr. Huskisson afterwards presented the above accounts.

Mr. Sturges Bourne brought in a bill for appointing commissioners of the land-tax, &c.—Read a first time.

Mr. Hawthorne presented a petition from the retail importers of Downpatrick, similar to those from Belfast, and moved that there be laid before the house, accounts of the produce of the six per cent. duties during the last ten years, distinguishing the quarters.—Ordered.

Mr. Johnstone was embarrassed how to form a judgment on the supplies of the year, without having the accounts of the preceding year before him; of only a part of which the house were as yet in possession. On looking at the disposition paper, an alarming fact struck him; the surplus of the consolidated fund had been estimated as likely to amount, by the 5th of April, to five millions; now it appeared, that on the 14th February, it was only 1,200,000*l.* so that, on making the proper calculation for the time that was yet to elapse, there would be a deficiency of 3,600,000*l.* On another circumstance he wished for explanation, which was with regard to outstanding exchequer bills. They were stated at 12 millions; and those outstanding on the 14th Feb. 8 millions. It was not probable so much could be paid in this time.

Mr. Huskisson said, the remaining accounts, which the hon. gentleman had expressed his desire to see, should be laid on the table as soon as possible. With respect to the surplus of the consolidated fund, though certainly some deficiency did exist, yet he did not believe it was any thing near so much as apprehended by the hon. gentleman: some duties which were yet to be paid from the East India company, would reduce it; and besides, he was not sure that the calculation which the hon. gentleman founded on the surplus of the fund being, on the 14th of Feb. but one million two hundred thousand pounds, was not erroneous, as it was likely that that was its amount on the 5th of January. With regard to the other part of the hon. gentleman's inquiry, he informed him, that it was intended to issue exchequer bills, to replace those of last year, to the amount of six millions five hundred thousand pounds.

After some further conversation between Mr. Huskisson and Mr. Johnstone, accounts were ordered to be laid before the house, of exchequer bills outstanding on the 14th of February, 1805, charged on any of the supplies of the year 1804,

1804, and distinguishing the acts under which they were issued.

Mr. Giles postponed his motion relative to the expiration of the act constituting a commission of naval inquiry, to Monday se'nnight.

Mr. Kinnaird wished to know in what forwardness the papers were for which he had moved a few evenings ago. If only a part were ready, he wished them to be produced, as much on account of the hon. officer whom these papers so much concerned, as for his own convenience.

Mr. W. Dickinson replied, that a great part was ready, and that he would expedite the remainder.

SLAVE TRADE.

Mr. Wilberforce expressed his opinion, that after the close investigation which this subject had undergone last session, and after the sense of the house upon it had been so decidedly taken, it was not necessary to trespass much upon their patience at present; reserving to himself the right of reply, if any objection should unexpectedly be started; he therefore moved, that the house do now resolve itself into a committee of the whole house, to consider the propriety of bringing in a bill for the abolition of the slave trade, in a time to be limited.

General Gascoyne was at a loss to know whether the hon. gentleman meant to introduce a bill, exactly similar to that of last session. He might perhaps find, that the circumstances of the times had induced many of the members to change their opinion on the subject since that period.

Sir IV. Young would oppose in every stage of it, a measure the very agitation of which had been productive of irreparable mischief. The hon. gentleman seemed to wish to avail himself of the success of his bill in that house in the last session, as a kind of precedent which ought to be followed, and to have it in contemplation to push the affair forward with a rapidity which its importance would not warrant. He called on gentlemen to give the subject complete consideration, to examine all the documents relative to it with the most serious attention, and not to forget that in their decision was implicated a very material branch of the commerce of the country, to which our power in general, and more particularly our naval power, was to be attributed.

Mr. Fuller said that, so far from the sense of the house having been taken on this bill in the last session, the fact was, that the sense of not one-sixth part had been taken.

General

General Tarleton stated that there were in Liverpool alone above ten thousand persons completely engaged in this trade, besides countless numbers who were in some way or other affected and benefited by it. He had received instructions from his constituents to oppose the hon. gentleman's intentions with all his power.

The house having resolved itself into a committee,

Mr. Wilberforce declared his surprise that it should be insinuated he wished to press the matter with more haste than was consistent with propriety. If gentlemen would refer to the parliamentary journals, they would find that the proceedings were always the same. So far from any undue precipitation, he only meant to propose the first reading of the bill on Monday, and the second about Friday. He should now move, that leave be given to bring in a bill to abolish the slave trade in a time to be limited.—Leave given. The house resumed, and the report was received and agreed to.

SUSPENSION OF THE HABEAS CORPUS IN IRELAND.

On the motion of Sir Evan Nepean the house went into a committee on the bill for continuing the suspension of the habeas corpus act in Ireland.

Sir Evan Nepean proposed filling up the blanks, ascertaining the duration of the bill, with "six weeks after the commencement of the next session of parliament."

Lord Henry Petty rose to oppose the motion of the hon. baronet, and to move that the first of May be substituted. As ministers had allowed that there was no pressure of time which urged the immediate passing of this bill, he confessed himself at a loss to know on what grounds they could rest their opposition to the inquiry which in his opinion was indispensable, before such a measure should be adopted. Nor was this his opinion alone; he was supported in it by the highest authorities, particularly by one of the greatest writers on the laws of this country, who asserts, that an act tending to abrogate the independence and privileges of a part of the people, without any previous examination or enquiry into the necessity for such an act, was unconstitutional. A good deal had been said about the transpiring of secrets in a committee. The right hon. gentleman had been frequently instrumental in forming such committees; he called on him to state what was the danger to be apprehended. He would not willingly anticipate a discussion that must take place this session; but he must say that he did not believe Ireland in the

the state represented, as so lost to all sense of the advantage of her connection with Britain, as to be ready to take refuge from her, in the arms of a foreign power. If so, we should try to restore in her more favourable sentiments towards us. He particularly called on gentlemen to consider, that by voting for his amendment, they did not incur any danger. Time would thus be given to make the enquiry which was so desirable. If we should then unfortunately find that the flame of rebellion in Ireland was not extinguished, but only smothered, and that other circumstances, equally strong, required the suspension of the habeas corpus, we might agree to it with the satisfaction, at least, of having done so with propriety; but if, on the contrary, we should find the situation of Ireland such, as not to demand the further operation of the measure, we might then enjoy the pleasure of restoring to the Irish those liberties, which had for a time been withheld from them. At all events we should have the satisfaction of reflecting that we had not taken any hasty step; but that we had acted with the prudence and circumspection which the importance of the case required.

The *Chancellor of the Exchequer* felt himself obliged to support the original motion. The merits of the question lay in a very narrow compass. All that could be stated in objection to it, had been stated in the ablest manner possible by the noble lord. Want of time had never been alleged by his majesty's government, as the cause for passing this bill without inquiry, but that they felt, what parliament in eight instances out of eleven since the year 1793 had likewise shewn they felt, that evident notoriety superseded all necessity for inquiry. Since that year, only three cases had occurred out of eleven, in which it was deemed expedient to institute committees of inquiry. He would not go over the same ground again which had so frequently been trodden. Gentlemen do not deny there may be cases in which notoriety would be considered as sufficient ground for the suspension. The hon. baronet opposite had stated that to be his opinion; and as for the right hon. gentleman near him (Mr. Windham), it was unnecessary to ask him to state his opinion, his conduct when he had the pleasure of acting with him was a sufficient proof of that opinion. If the existence of a war with France; if the designs avowed by that power to invade Ireland; if the evident preparations of extensive means for that purpose; if the hopes of success entertained by

by the enemy are founded on the prospect of co-operation by their disaffected in Ireland; if, as a proof that such are their expectations, regiments of refugees have been formed, and bands of Irish interpreters, guides, &c. collected, all acting under the inspection of an Irish committee at Paris; if all these circumstances did not constitute notoriety, he really did not know what would. The going into an inquiry would lay open secrets that it was material should not be disclosed, as the disclosure would be attended with danger to the lives of individuals. On these grounds he could not consent to the formation of a precedent for instituting an inquiry, when the notoriety was such as to preclude all necessity for it.

Mr. C. Wynne was willing to allow that there had been many cases in which the notoriety was sufficient, without any particular investigation of the circumstances; such, for instance, as the rebellions in 1715 and 1745, when the king sent down a message to the house, which was considered a sufficient ground; in 1803, likewise, when the rebellion in Ireland was notorious. It was the duty of parliament, before they agreed to so extraordinary a measure, to make strict inquiry, unless they had very strong grounds indeed, such as he had just mentioned. He did not wish to see unconstitutional power placed in any hands, however small the chance of its being abused. During the administrations of Lord Somers, Lord Coke, and Lord Raymond, a person had been imprisoned forty years by government in Newgate.

The *Chancellor of the Exchequer* observed, that that person had been confined by different special acts of parliament, and not by a suspension of the habeas corpus act, which did not at that time take place.

Mr. Windham did not oppose the measure of suspension itself, but the want of grounds to ascertain the necessity of it. The right hon. gentleman said, he was one of those who had once allowed that notoriety was a sufficient ground for the proceeding. He was still of the same opinion. He had declared it in the debate the other evening; but every case of notoriety as well as of necessity must stand upon its own ground. What he wanted was, that degree of notoriety which should enable him to decide. It may be notorious to some, to many gentlemen of Ireland perhaps, but it was not so to him. If the existence of war and the emigration of a few Irish to the enemy's country, are to be con-

sidered enough to justify the suspension, in any future war it must of course again take place; but surely this ought not to be suffered, unless all possible doubt of the necessity of the measure were overborne by the evidence which an inquiry might produce. An inquiry could not do any harm, it might do much good; and it would at least do this good, that it would prevent the establishment of a precedent in the highest degree exceptionable, and which might ultimately produce the most fatal consequences.

Mr. Martin should, for one, certainly agree to the noble lord's amendment. If notoriety were sufficient to warrant the suspension without inquiry, he should say, that notoriety did not exist. He had conversed lately with many gentlemen from Ireland, who concurred in opinion that the measure was not necessary to secure the peace of the country. It had been, indeed, spoken of, as not likely to do harm; but such an infringement of the liberties of a people ought to be proved to be attended with positive good, before it should be adopted. A bill of this description was not to be treated as lightly as a vote of credit. With regard to the secrecy so much contended for, and the danger and inconvenience said to attend inquiry, was there not considerable danger and inconvenience in exposing the affairs of the bank of England? and yet a committee had been some time ago appointed to investigate and make a report on that subject. He allowed every confidence to the lord lieutenant, but this was a strong reason for supporting the inquiry, as it could not be called invidious. By the bye, he had never heard of any lord lieutenant who was not considered the most amiable of men, nor any secretary who had been thought to make a bad speech or vote. He knew that by many Lord Hobart had been esteemed a much more accomplished orator than Mr. Flood!—(*A loud laugh.*)

Mr. Ward took a view of the circumstances attending the suspension of the habeas corpus at various times, and inferred the propriety of continuing it at present, without any other evidence of the necessity than what the general notoriety afforded. Gentlemen had argued this matter as if it had been a new question, as if no rebellion, and no renewal of rebellion, had ever existed in Ireland. They seemed to have forgotten the miseries which had desolated that country, and the partial subjection of which was to be attributed alone to measures of vigour, similar to that before the house. The hon. gentleman went into an examination of the suspensions in the reign of William III. and in 1722, and of the protest entered in the latter

latter case, by several distinguished members of both houses of parliament. He was adverse to shortening the duration of the suspension, because if the suspension was necessary that would render it useless.

Sir John Newport observed, that in every instance adduced by the learned gentleman there was either inquiry, or something equivalent to it; there was some message from the king, or some communication in the speech from the throne. Now there was nothing relative to this subject in the speech from the throne, and the address, which was also supposed to be the production of his majesty's ministers, stated Ireland to be tranquil. How then could it be said, after so short a lapse of time, that there was so notorious a spirit of rebellion as to preclude inquiry? The habeas corpus act having been restored since the rebellion of 1798, he considered it now as suspended *de novo*, and that the consideration was a *res integra*; unless, indeed, it was meant to rely on the affair of 1803, which he was at a loss how to name; the gentlemen on the other side styling it at one time a rebellion, at another time a tumult or insurrection, or a riot, as it answered their purpose. If the suspension was to be renewed every year without inquiry, it was better to extend it at once to six weeks after the termination of the war. Parliament would not do its duty to the country, if it refused inquiry, and rendered the constitution a mere nullity to the people of Ireland on such light grounds.

A conversation arose hereabout the precedent of 1722, cited by Mr. Ward, in which case Mr. Fox conceived, that the information required was given immediately after the passing of the suspension, as was promised. Mr. Ward did not believe it was.—Mr. Wynne said, it was a dangerous conspiracy, in which officers were employed, and arms collected, and that the trial and conviction of the offenders was a sufficient communication of the proofs.—Mr. Rose stated, that the bill passed the lords, and was sent down to the commons on the first or second day of the session, when it was immediately passed, and received the royal assent in two days from the communication, so that it was impossible any inquiry could have taken place.—Mr. Fox conceived that the declaration in the king's speech was sufficient ground for the immediate suspension; and that if the proofs were promised in a short time, the duration must be commensurate to the time when the proofs were to be produced. Mr. Ward said, the duration was one year.

Mr. M^r Naghten said, all Ireland, but particularly the province

vince of Ulster, was more loyal than it had been, but that still there were some disaffected persons who hoped to accomplish their object by means of French aid. These were certainly a minority, but the monarchy of France had been overthrown by a minority of Jacobins, and the insurrection of 1803 had been created by a very trifling minority indeed. If it was necessary, the suspension ought to be for the whole period; if it was not, instead of two months it ought not to be for two days.

Mr. Bagwell described the violent and outrageous proceedings in his county (Tipperary,) and those bordering it, where the persons who even dared to take a farm to the prejudice of an old occupier, were murdered, and the witnesses of the outrage dared not to give information, lest they also should be cut off. It was thus a question for the house, whether it would protect the loyal, or the disaffected; and if the loyal were to be protected, it could be done only by this measure.

Lord De Blaquiere contended, that inquiry would defeat the object of the measure; and indeed it could not be prosecuted with much success, when it was considered that nine out of ten of those who gave information were assassinated, and not less than half of the entire number of persons who were executed in Ireland suffered for such assassinations. The noble lord related a story of a person of the name of Healy, who gave information, and was followed to London, whither he was sent by the government, and murdered in Piccadilly on the very night of his arrival. After all that he had seen in Ireland, but still more after what he had read that day in the speeches of Talleyrand and Regnaud de St. Jean d'Angely, in the French conservative senate, where it was said that Ireland was the only country in which liberty of conscience was now withheld; after all the hopes the enemy built on their intrigues in Ireland, much mischief was to be expected unless this bill was passed.

Mr. Kinnaird said, his noble friend (Lord H. Petty) had not moved his amendment from any motive of parliamentary management, by putting in that shape what would not stand so well in another. The object was to shew the people of Ireland that the necessity of the suspension existed. The noble lord who spoke last had told a story of a murder in Piccadilly as a ground for suspending the habeas corpus act in Ireland. He asked whether any inquiry had been made into the circumstances of this murder. If not, and if it was taken as a proof that a rebellious disposition existed in Ireland, it was a much stronger ground for an inquiry before a committee, and
a good

a good subject for part of that inquiry. A multitude of enormities lately committed were complained of by the advocates of the suspension.—The suspension had now been in force above a year and a half; and if it did not prevent such enormities, it was useless; and what was the strongest proof of its inefficacy, was certainly a strange argument for its continuance. His noble friend's question had not been fairly met by the Irish gentlemen. His noble friend's object was to have inquired, after complying with the suspension as far as immediate necessity required: that the people of Ireland might not have reason to think that their liberties were not guarded, if the suspension was necessary; and that if it was not necessary, they should not be rendered indifferent to the constitution, by being so long deprived of it.

Dr. Duigenan said, that the honourable gentleman had mistaken the object of the noble lord's story, which was to shew that Irish witnesses could not come with safety to London to give information before a committee. Assassinations similar to this were very common in Ireland. The suspension of the habeas corpus could not prevent such outrages; but it certainly rendered them less frequent. He had resided in Ireland from his youth, and he must of course know its situation better than the hon. gentleman opposite; he took leave to say also, that he had a little more regard for it. The county of Waterford was notoriously disturbed, as was evident from the resolutions of the magistrates at a county meeting, at which the sheriff, a respectable member of that house (*Mr. Lee*), presided. An adjoining county also (*Tipperary*), the representative of which was present, was in such a state, that the houses of all loyal men which had not a number of servants, or a large family to defend them, were broken open and robbed of their arms, and these arms were certainly not intended for shooting snipes. (*A laugh.*) The county of Carlow was the scene of nocturnal meetings, and so was the county of Limerick, the representative of which was also present. The city of Dublin itself was under the necessity of being patrolled every night, from the multitude of dangerous conspiracies and assassination plots; sentinels were shot dead and maimed on their stands, and it was known that even committees were formed for systematising assassination. On all these grounds he thought the suspension indispensably necessary.

Mr. May declared his conviction of the general loyalty of the north of Ireland; but in the south and west disaffection certainly existed. The suspension was necessary to satisfy the loyal,

loyal, who, without this security, could not sleep in their beds. It was necessary to keep down the majority of the people of Ireland, consisting of Catholics, dangerously agitated and inspired by the confidence of French aid, with the hope of effecting a change in the establishment in their own favour. He was informed besides, that a strong measure was to be proposed from the other side of the house, to put the catholics on a state of perfect equality with the protestants; and if it did not pass this, it would be necessary to keep them down.

Lord Temple had one word to offer in answer to the hon. gentleman who had spoken last but one, and a little to the last, both of whom had pronounced a libel on the majority of the people of Ireland, a libel which came particularly ill from the mouth of any one connected with that country. He protested against the principles they maintained, and against the libel they had thrown out. He protested also against the doctrine, that because he and his hon. friends did not represent Ireland, they could not feel for that country as warmly as the hon. gentleman (*Dr. Duigenan*.) This was a charge of deficiency not only in the duty they owed to all the empire, but a direct charge that they did not pay the same attention to particular parts of it, which was given by the persons representing these parts. He was sure it was not so, and he was happy the hon. gentleman was not supported in his insinuation, by his brethren at that side of the house. If he and his hon. friends had not a right to interfere in the concerns of Ireland, the hon. gentleman must allow the principle a reciprocal force. He would here call to the recollection of the hon. gentleman, the instance of the defence bill of the last session, which was enacted for England, contrary to the sense of the majority of the English members, and on which the representatives of Ireland, and he believed among them the hon. gentleman, had claimed and exercised a full right of giving their votes. This by the by. Now for the hon. gentleman's arguments: The hon. gentleman, in answer to the alledged want of notoriety, cited a list of atrocities which appeared to astonish those in favour of the measure, as much as those who opposed it. It would be as well, when the hon. gentleman should again be disposed to indulge the house with the recital of such a catalogue, if he would take the opportunity at the time the mover of the address, in answer to his majesty's speech, gave a flourishing representation of the tranquillity of Ireland; if he would stop him, and set him right, and prevent the house from carrying a false statement to the foot of the throne. If the hon. gentleman

gentleman was so full to the mouth with outrages and enormities, he should not sit silent on an occasion like that; and now, for the first time, astonish the house with the production of his bead-roll of iniquities. If half what the hon. gentleman had stated was true, his majesty's ministers were most negligent in suffering his majesty to take leave of his parliament at the close of the last session, or to meet it at the commencement of this, without saying one word on the subject; and in allowing the parliament to go to the throne, with an address so little apposite. If no evidence could be had, at least a message from his majesty might have laid a parliamentary ground for the discussion.

Mr. May, in explanation, said, he allowed the loyalty of the north, but disaffection existed in the south. The lower class of the people was ready to rise at any time the appearance of a French force presented the opportunity, and it was necessary to keep them down with a strong hand: a religious banditti; he did not mean to asperse the catholic gentlemen who were good, loyal, and faithful subjects, but a low multitude, headed by as low and ill educated a clergy.

Dr. Duigenan said, that he had not denied the right of the English gentlemen to interfere in the concerns of Ireland; he had only contended, that he was better acquainted with the state of Ireland.

Lord Temple conceived that was the obvious deduction from the hon. gentleman's arguments. He did not wish to give the house so bad an entertainment as a discussion between two gentlemen, on a point which had so recently occurred; but he believed he was in the recollection of the house, when he described the hon. gentleman as representing that the English members had not the same regard for Ireland that he had. If he was wrong, the house would correct him; and he was the more particular as to the expression, as he would draw this line of distinction upon it, that if all members, from all parts of the empire, had not the same regard for every part, they were not fit to sit together.

Colonel Hutchinson lamented that the liberty of speech, which was the first privilege of the house, had been so much abused and degraded by the utterance of things which every man ought to lament having heard. The mover of the bill must certainly know that the non-renewal of the suspension would have been less mischievous than the language which had been uttered that night, if suffered to go abroad. Never was any language more unfounded or unjustifiable, or more inconsistent

sistent with a sincere wish for the integrity and unanimity of the empire, which representations could not fail to embitter the minds of a people agitated and divided in consequence of the bad system by which they had been governed for centuries. He had voted for the original motion; but he was of opinion that the union would be of little benefit if it was not followed up with other marks of attention to Ireland than continued suspensions of the habeas corpus act.

Lord H. Petty begged leave to set himself right from some misunderstandings. He did not say, that notoriety was no ground, but that it should be accompanied with great and imminent danger. Notoriety was too general and vague a term to be in itself sufficient; and if ever there was a doubt how indecisive this term was, the various meanings that had been affixed to it that night, afforded the strongest exemplification of it. The representations of Ireland by the gentlemen of that country were completely at variance. It was evident from this how dangerous it was for parliament to lend itself to mere representations; and for himself, when the evidence was doubtful, he preferred that which went to maintain the people in the enjoyment of their liberties to that which went to deprive them.

The question being now put, there appeared for the original motion

159

54

Majority	105
----------	-----

Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, FEBRUARY 18.

The Greenland whale fishery bill and some other bills were brought from the Commons, and read a first time.

A message was brought from the Commons, stating that they had authorised Mr. Cole and Sir James Stewart to attend on the committee of their lordships, according to the request in their message of the 28th January last.

MR. JUDGE FOX.

Lord Grenville said, that before their lordships adjourned, there was a point to which, as he conceived it to be of the highest importance, he wished to call their attention. The subject to which he alluded was the accusation pending in that house, on a judge in another part of the united kingdom

dom, who was charged with acts of improper conduct, not of a general nature, but in his judicial capacity. He was not perfectly certain whether it would be necessary for him to make any motion to the house on the subject; all he meant at present was to submit certain ideas which had occurred to him, on the proper mode of proceeding in so important and unprecedented a business; and if the house should be of opinion that they were of any weight, to suggest how far it might be proper to give farther time for digesting them, and to appoint another day for taking the sense of the house on the mode of proceeding which ought ultimately to be adopted. The house, he conceived, lay under great obligations to a noble and learned lord (the lord chancellor) for the trouble he had taken in the business on a former night; for by that learned lord's suggestions they had been prevented from proceeding with that precipitation which would have been so unbecoming in a matter of so grave and deliberate a nature. Happily for this country, the present was the first instance, since the judges of the land had been put beyond the control of the servants of the crown, and were only subject to the remonstrance of both houses of parliament, by an address to his majesty, praying for their removal from their situations, that an accusation of this kind had been preferred to parliament. It therefore became an object of no common consideration, that the mode of proceeding should be consistent with that respect which was due to the judicial character, to the public justice of the country, to the dignity of that house, and that it should hold out a precedent worthy of being handed down to our successors. Considering the case in this point of view, he regretted that when the noble and learned lord had, on a former occasion, thrown out those observations on the form of proceeding, for which, in his opinion, he was so deservedly entitled to the thanks of the house, he had been confined by so severe an indisposition as to render it impossible for him to attend. On considering the matter fully, and he assured the house it had occupied a considerable share of his thoughts, it occurred to him, that the house was not proceeding in the manner which the nature and gravity of the accusation seemed to merit. This was not a charge of common or ordinary magnitude, but one against a judge for acting in his official capacity. The question therefore was, ought an accusation of such a nature to originate in that house? It was to be remarked, that it was not to them as a

court of judicature, that the right of addressing the king for the removal of any of the judges of the land was entrusted. That was a power vested in the two houses of parliament, as the legislature of the country. The regular mode of proceeding, he therefore submitted, was, that an accusation, such as the present was, should originate in the other house, that grand national inquest. If grounds sufficient to warrant the charge were there made out, it would come before their lordships by articles of impeachment, and they would then be called on with propriety to exercise their judicial capacity. But if the matter were to originate with that house, and they, after having been the accusers, were to be called on to act as judges, the dilemma in which they must find themselves placed would be such as they were strongly called on if possible to avoid. Even if an address were to be the mode of proceeding to be latterly agreed on by both houses, he conceived that house having the privilege of examining witnesses on oath, it would have an appearance of greater solemnity that they should close the investigation rather than that, after they had proceeded on oath, the other house should conclude the business merely on assertion, and should, even from that circumstance, refuse to concur in the address. His lordship should therefore propose, that the committee be discharged for six weeks or two months, that time might be given for the business to proceed in the other house; if not, that it might then be revived in that; or, if their lordships wished to consider of the matter, that the farther consideration of the mode of proceeding do stand for some future day.

.. *Lord Hawkesbury* regretted that the noble lord had delayed so long to state his objections to the mode of proceeding which had been resorted to. He was, however, of opinion that the business had properly originated in that house. Both houses of parliament were equally competent to originate measures of general legislation, though particular departments had, from particular causes, become more properly the privilege of either house. Thus revenue, and every thing connected with it, uniformly originated in the commons. Divorces, and other matters more properly of a legal nature, as he presumed the present case to be, were, by practice, regarded as more fit to originate with their lordships, and for this he could see the very best reason. In that house they had the assistance of noble lords more peculiarly calculated to judge on such questions, and they might even call
in

in the aid of the judges. When opposed to these advantages, the suggestions of the noble lord opposite, though he confessed they had some influence, did not weigh in his mind; and, as the matter had proceeded so far, he thought a regard to the feelings of the accused, and to the public justice of the country, required that they ought to proceed without delay. He had no objection, however, if the noble lord wished it; that the house should take till Thursday, or some other early day, to consider what had fallen from the noble lord.

Earl Carlisle supported the opinion of Lord Grenville.

The *Lord Chancellor* said, that as the committee stood for that night, it would be necessary in point of order, to move that it be revived on Friday. He had no objection to the delay. He rather thought the noble lord entitled to thanks for his conduct. It shewed a disposition on the part of that house, to pay every attention to that contról over the judges of the land, with which parliament had been invested. For one, however, he thought that their lordships having proceeded so far ought now to go on. He was, however, by no means adverse to the discussion of the point of form, if the noble lord chose to bring it forward on Tuesday.

Lord Grenville denied the charge made against him by Lord Hawkesbury; of a wish to delay the business. He was conscious of being actuated by no such motive. He was quite unconnected with the parties on both sides, and was alone induced to say what had occurred to him from a sense of duty. It was no wish of his to agitate the question, if the house did not think it deserving of attention.

Lord Hawkesbury explained.

The *Duke of Clarence* having been informed by the Lord Chancellor of the object of the committee, which was fixed for Friday, intimated his intention of opposing its proceeding farther in the business, and of bringing forward, on Thursday, the subject which had been suggested by Lord Grenville.

The lords were accordingly ordered to be summoned for that day.

Lord King again brought forward his motions for an account of the number of persons arrested and in custody under the habeas corpus suspension act; of those tried, and of those who had been discharged, with the conditions under which they had been discharged.

To the latter words Lord Hawkesbury again objected.

Lord Grenville expressed his astonishment at the noble lord's refusal to comply with so reasonable a request, at a

time when it was proposed to continue the suspension of that act without any reason whatever being assigned for it. He should, therefore, take the sense of their lordships on the subject in a more crowded house.

Lord *King* also gave notice of motions, similar to those he had made last year, for the amount of English and Irish bank notes in circulation; and for the amount of the money sent from England to Ireland, during the last year, with the names of the persons to whom sent.—Adjourned.

HOUSE OF COMMONS.

MONDAY, FEBRUARY 13.

The *Secretary at War* presented accounts of the effective strength of the royal garrison battalions, which were ordered to be printed.

In compliance with their lordships' request, expressed some time since, Sir J. Stewart had leave given him to attend the committee on the charges against Mr. Justice Fox, if he thought fit, and a message was ordered to be sent to their lordships, acquainting them with the same.

On the motion of Mr. Francis, the order for the papers relative to India, which he moved for at the commencement of the session, was discharged, and it was ordered in lieu, that there be laid before the house, copies of all correspondence that had passed between the British government in India, and the king of Delhi, since the conclusion of the treaty of Bassein.

Mr. *Bulley*, from the exchequer, brought some accounts, which were ordered to lie on the table.

On the motion of Mr. *Creevey*, the accounts presented in April last, of the duties on the exports and imports of the Isle of Man from 1798 to 1804, were ordered to be printed.

Mr. *Dickinson* presented the letters and papers relative to Sir Home Popham, moved for by Mr. Kinnaird, which were ordered to be printed.

The report of the quarantine bill was brought up, several amendments were agreed to, and the further consideration postponed till the next day.

The committee of the whole house on the mutiny bill was, on the motion of the Secretary at War, deferred till Friday.

Sir *John Newport* gave notice, that on Thursday he would move for further papers relative to pensions on the Irish establishment;

blishment; and also for accounts of the compensations that had been made for boroughs in Ireland.

Sir C. Pole observed, that the tenth report from the commissioners of naval inquiry, which had been laid before the house, was unaccompanied by the proper signatures; he, therefore, moved, that leave be given to withdraw it, in order to its being presented in a more accurate and authentic manner. Leave was given.

Mr. Alexander brought up the report of the committee of supply. The resolutions were severally read and agreed to.

Mr. Brooke gave notice that he would the next day submit a motion to the house, concerning the passengers and private property detained in the Spanish frigates.

THE BUDGET.

The house now resolved itself into a committee of ways and means for raising the supply. The several accounts which had been presented to the house were ordered to be referred to the committee.

The Chancellor of the Exchequer—The first article of supply that has been voted, to which I shall call the attention of the committee, is the supply for the naval service; the total amount of what has been already voted, exclusive of the sum of 390,000*l.* for ordnance sea service, is 14,645,630*l.* exceeding by 2,600,000*l.* the amount of what was voted last year for the same service. The excess has arisen from the sum of 1,800,000*l.* for the expences attending the 20,000 additional seamen voted this year, and for the increase in the extraordinaries and transport service. The next article of supply is the army; there has been already voted under this head, the sum of 10,000,000*l.* for guards, garrison, militia, &c. I will not detain the committee by going over the different items, but there remain still two articles to be voted, the estimate of the extraordinaries, and of the expences of the volunteer corps; in the latter article there may be some small diminution; but I will take the amount at 1,100,000*l.* The extraordinaries I calculate to amount to the same as last year, 3,660,000*l.* These two items, added to the total of ten millions, make an aggregate sum, exclusively of the expence under the same head for Ireland, of 14,778,391*l.* which is an exceeding beyond the last year of about 300,100*l.* For Ireland, under the head of army, there has been already voted the sum of 2,838,000*l.* To these remain to be voted the sum of 500,000*l.* and the same sum for the expence of volunteer corps; making the whole amount for Ireland

3,838,500*l.*

3,838,500*l*. The total amount of the votes for the army, therefore, for both countries will be 18,616,897*l*. The total amount, under the same head of service for last year, was 19,118,000*l*. The next service is the ordnance; the amount for England is 4,246,994*l*.; for Ireland 600,000*l*. making a total of 4,846,994*l*. Under the head of miscellaneous services, has been already voted for England the sum of 611,000*l*. but some further sums remain to be voted, which will make the total for England 800,000*l*. The miscellaneous services for Ireland, including those usual permanent grants in consequence of the union, amount to 650,000*l*. making the total for the two countries, 1,450,000*l*. The total amount of these articles of supply, which I have enumerated, is 39,559,521*l*. But there is another article of supply to which, though I shall not call upon the committee to vote it at present, I shall still take the liberty of requesting the attention of the house. This article is one connected with a subject of the highest importance to the interests, not only of this country, but of Europe. Gentlemen are aware that we have been engaged in a continental intercourse and correspondence, with a view to objects which we must all admit to be of the highest moment. Sir, I have felt the sincerest satisfaction at finding a general conviction on the part of this house, that the ultimate security of this country is materially and intimately connected with the security of the continent. It must be the wish of every man who hears me, that that intercourse and correspondence should be so prosecuted as to restore peace upon grounds calculated to produce and establish that ultimate security which is the object of all our wishes and all our efforts. But seeing what we do see, and knowing what we do know, it would indeed be rash and presumptuous in us to entertain an expectation that that great object can be attained without further sacrifices on our part. I will not go into details upon the subject at present; they will more properly belong to a future discussion; but feeling it to be my duty not to postpone the general supply for the service of the year, I have thought it to be of extreme importance to make such an addition to it as to enable his majesty to afford, with effect, any succours which it may be deemed necessary to afford; with that view, I shall propose to grant a further sum of supply to his majesty to enable him to carry such grants into effect to the amount of five millions. This, added to the total amount of supply which I have already had the honour
of

of stating, will make the joint charge of the two countries, under the head supply, 44,559,521l. But the committee know, that from this gross sum there must be deducted two seventeenths which Ireland is bound to pay, and two seventeenths also of the civil list, and other charges on the consolidated fund, not relating to the public debt. The two seventeenths of the gross amount of supply, amount to 5,242,296l. and the two seventeenths for the civil list, and the charges on the consolidated fund, to 160,806l. making a total of 5,403,102l. This sum, therefore, is to be deducted from the amount of 44,559,521l.; leaving a total of supply for Great Britain alone of 39,156,419l. But, sir, it is also necessary to take notice of some separate charges which are to be added to that amount, and which do not belong to Ireland. There is a sum which I shall propose to vote of one million on account, towards the discharge of a debt due to the East India company. A considerable progress has been made in the examination of the accounts; but I am inclined to think, that it will only be necessary to provide one million now. There is besides a sum, for the deficiency of the malt duty in 1803, amounting to 320,000l.: there is also a further sum to be added, to complete the payment of claims from America, amounting to 414,000l. In addition to this, there is to be added the deficiency of the sum voted last year on the growing surplus of the consolidated fund. That surplus was taken at five millions, but it appears that there was a considerable diminution of revenue in some articles. But when the committee consider the average produce of the revenue for the three years, they will see that the diminution is not so discouraging as it may appear at first. It seems that the calculation of the growing produce of the consolidated fund last year, was made upon the former year, a year of almost unexampled produce; the diminution, therefore, will appear to be greater on that account. The deficiency amounts on the whole to the sum of 2,800,000l. making the amount of these separate charges which I have enumerated, 4,534,000l. which, added to the former sum of 39,156,419l. makes a grand total of supply for England alone of 43,690,419l. But for the convenience of gentlemen I will enumerate the different heads of supplies.

Navy, exclusive of 390,000l. ordnance sea service		£.	14,645,630
Army - -	{ England -	£14,778,391	} 18,616,891
	{ Ireland -	3,838,506	
			Ordnance

Ordnance	{ England - - -	4,246,994 }	4,846,004
	{ Ireland - - -	600,000 }	
Miscellaneous	{ England - - -	800,000 }	1,450,000
	{ Ireland - - -	650,000 }	
			<hr/>
Further extraordinary expenses	-	-	39,559,521
			<hr/>
Joint charge, England and Ireland	-	-	44,559,521
Deduct on account of Ireland, as below	-	-	5,403,102
			<hr/>
			39,156,419
<hr/>			
Add England's separate charges.			
East India company	-	1,000,000	
Deficiency of malt, 1803	-	320,000	
To complete the payment of American awards	-	414,000	
Deficiency of 5,000,000l. voted as surplus of consolidated fund, to 5th April, 1805	-	2,800,000	
			<hr/>
			4,534,000
<hr/>			
Total, England	-	-	43,690,419
Deduct, on account of Ireland, 2-17ths of the above sum of 44,559,521l.	-	5,242,296	
Deduct also 2-17ths of 1,366,851l. for civil list and other charges on consolidated fund, not relating to public debt	-	160,806	
			<hr/>
			5,403,102

WAYS AND MEANS.

I proceed now, sir, to the ways and means for raising this supply. The first article is the duty on malt, and the personal estate duty, 2,750,000l. The next is the surplus of ways and means of the last year. Upon this subject, I think it necessary to give some explanation to the committee. It appears by the disposition paper which has been laid before the house, that there is a surplus of 123,146l. a sum of navy debt of upwards of 120,000l. There is also the sum of 931,000l. out of the vote of credit for the naval service, which is to be added to what was not called for by the end of December 1804.

1804. But as the demands upon the navy are paid in bills, and as bills increase with the service, there is a larger sum of bills at the end of the year. The result therefore is, that there is a sum of upwards of 120,000*l.* not called for; 11,188,000*l.* was only called for, including the vote of credit of 931,000*l.* But still of course, though not called for, there is an increase of debt to that amount. But after all there will remain a surplus of the ways and means of 1804, to the amount of 1,192,115*l.* It may here be proper to say, that the amount of the navy debt is less than it was at many periods of the former war. The next article I proceed to is the surplus of the consolidated fund to the 5th April 1806. In considering this part of the subject, I shall pursue the plan of taking the amount of the permanent taxes for three years, and setting against them the amount of the permanent charges. The total amount of the taxes for three years, exclusive of the years 1803 and 1804, which were years when additions were made to them, was 90,590,000*l.* making on the average a sum of 30,199,000*l.* for each year; in which are included the additional duties on sugars, malt, and tobacco, which produced a large temporary amount, against which I set two millions of exchequer bills voted; this will make the average of each year 28,199,000*l.* The duties imposed in 1803 and 1804 produced 1,315,000*l.* which will make the average 29,514,000*l.* But there is an addition to the consolidated fund of 1,381,000*l.* from Ireland for that part of the debt with which she is charged; there are also two other articles, which will make the whole sum to be added 2,866,000*l.* making the whole amount of average for each year 32,381,000*l.* Against this I have only to state the sum of 28,032,000*l.* of permanent charge for us, that is, the interest of the debt, charges of management, &c. 26,692,000*l.* the civil list, 960,000*l.*; charges added to the consolidated fund, 380,000*l.* making altogether the sum I have stated of 28,032,000*l.* which leaves a sum of 4,349,000*l.* to be carried, as the probable amount of the consolidated fund. I have taken the average of three years, and taken also the deficiency of last year, arising from causes which I cannot but consider as temporary. It proceeded in a great measure from stock in hand having been taken in malt, spirits, tea, and wine. In the article wine this operated in a double capacity; for first, the duty was lowered with a notice that it would be increased at the end of the year. The consequence of this was, that per-

sons laid in a larger stock before the increase took place. This deficiency arose, as I said, from causes in their nature temporary, and therefore I shall on a future day propose to make the duty on wine permanent, having no reason to doubt that these fluctuations will cease. But after all, the total difference of the deficiency of last year, and the average of three years, is not more than 1,200,000*l*. Gentlemen, therefore, I am sure, will not be disposed to think this so great a fluctuation. But I shall only take credit for four millions, as the surplus of the consolidated fund to the 5th of April 1806. The next article is the property duty, and other war taxes. The war taxes were taken last year at nine millions, but I shall take credit only for 8,300,000*l*. It must be a source of great satisfaction to the country, that the war taxes are not so likely to realize nearly the amount at which they were estimated. The property tax, I find, produced last year the sum of 4,600,000*l*. But the year 1804 has not received all its benefits, a part has not come in, and may be defrayed by exchequer bills; in like manner what is granted for this year is applicable to the next year, and what may be due will remain for exchequer bills. Adding the 4,600,000*l*. this year to what is due, the amount under the head of property tax will be 6,300,000*l*. I therefore take that as the amount of the property tax for the present year. But still I feel it to be my duty, however reluctant I may be to do it, to propose to the country, (above the interest which it may be necessary to provide for the loan), by a great exertion of its spirit and its vigour, to keep down as much as possible the accumulation of the public debt: a system, the benefits of which are felt more and more every year, and which we had never more occasion to contemplate with satisfaction than we have at present, when we consider the terms on which we have negotiated the loan; which I arranged finally this morning, subject, of course, to the approbation and ratification of this house. I shall now propose the addition of 1-4th, or 3d, in 1*s*. of the property tax, which I calculate will produce 1,150,000*l*. This will make the whole amount of the war taxes and property tax 15,750,000*l*. In addition to this I shall take credit for 300,000*l*. by the lottery. To this is to be added, the loan for England separately, of 20,000,000*l*. I will now recapitulate the different items of ways and means.

Male and personal estate duties	£12,780,000
War tax	£8,300,000
New war taxes	1,150,000
	<hr/>
	9,450,000
Property tax	6,300,000
	<hr/>
	15,750,000
Surplus consolidated fund to 5th April, 1806,	4,010,000
Lottery	300,000
Surplus and ways and means, 1804	1,192,113
Loan	20,000,000
	<hr/>
Total ways and means	43,992,113
Total supplies	43,090,419

This will be a surplus of ways and means beyond the supply, of 301,696

There is a further sum for the service of Ireland, one million of which I propose to raise in Ireland, and two millions and a half in England; the two millions and a half will be on the same terms as the loan for the service of England, though the interest for that sum, as well as of the one million to be raised in Ireland, will be to be provided by Ireland.

THE LOAN.

I have now, sir, to state to the committee the terms upon which the loan has been negotiated. They are for every 100l. subscribed to give to the subscriber 150l. 3 per cents. and 27l. in the reduced; creating 172l. stock for every 100l. borrowed. In the last year ten millions were raised in the same stock, creating a capital of 182l. stock for each 100l. borrowed; we have, therefore, the satisfaction to find, that we have negotiated a loan more than double the amount at a capital less by ten per cent. than the capital created last year. This circumstance is to be attributed, first, to the prosperity of the country, and secondly to the firmness of parliament, in consenting to furnish so large a sum within the year, and to the progress of the sinking fund, which is already found to be rapidly repaying the country for the sacrifices it has resolved to make. The interest upon the loan is less by six shillings than the interest upon the last loan. In reference to the price of the stock, I think that eighteen shillings and a fraction beyond the price at which the stock closed on Saturday is the bonus; to that must be added the usual allowance of five per cent.

cent. for discount on prompt payment. But the bonus if they do not pay at once is about 3l. 1s. 6d. This bargain, I am sure, sir, will be satisfactory to the country; it will also be satisfactory to the country and to the house to hear, what I have learnt since I came into the house, that the bargain is likely to be advantageous to the contractors. We must all be happy to hear that what is fair and frugal to the country will be safe and advantageous to the contractors. I shall now proceed to state the additional annual charges that will be created by the loan, and by the fund created for the payment of the loyalty holders. The interest on the twenty millions is 5l. 3s. 2d. per cent. but including the sinking fund it will be 6l. 4s. 6d. The interest on the loan will be 1,376,000l. To this is to be added the charge of management; the 3 per cents created for loyalty holders, amounting with the interest of the loan, to 1,537,192l. For this sum it will be necessary to provide by

219

NEW TAXES.

I shall first propose an addition of one penny on each single letter sent by the general post; 2d. upon double letters; and 3d. on treble letters. I am not able to make any precise calculation of the amount of this tax. In the same way I shall propose an addition upon letters carried to the vicinity of London by the twopenny post; the addition will be one penny. I shall also suggest the propriety of imposing an additional duty of 2d. on foreign letters. I estimate the produce of this tax at 230,000l.

The next is a tax upon salt. The addition I propose is, to add five shillings a bushel to the ten shillings now paid. On the average of three years, I calculate the produce of this tax at the sum of 400,000l. In this article, we carry on a great export trade to Europe, and I have every reason to believe, that the foreign markets cannot be supplied on cheaper terms by any other nation. The addition I propose on the export of salt, is six-pence a bushel. I estimate the produce of this duty at 80,000l.

The next is an addition to the tax upon horses kept for pleasure, and for the purposes of husbandry. On horses kept for pleasure, I propose to add one-fifth to the present tax. It is now levied according to the numbers kept. One horse pays 40s. duty, and I propose to add 8s.—thus following that rate. This, upon the average of two years, will produce 110,000l. I take the average of two years, because three years

years ago there was an additional tax imposed. I do not think I am likely to be in any great error in my calculation of the produce, for though an addition was made in 1802, the number of horses kept for pleasure has been increasing since. On horses kept for husbandry, I propose to make the 12s. 6d. now paid, a pound. This will give a sum, I suppose, of 320,000l. But I think it right to state, that upon those which only pay 2s. 6d. and not 12s. 6d. I do not propose to lay any additional tax.

The last tax is an increase in the duty upon legacies. My first proposal will be to impose a small sum upon direct legacies on which no duty is paid now: the sum I wish is one per cent. Gentlemen will see that it must be difficult to estimate the amount of this tax. By a rough guess the amount of capital bequeathed in wills registered, is annually about thirty millions. Deducting five millions for legacies charged on land, and five millions collaterally, twenty millions will then remain, which, at one per cent. will give a produce of 200,000l. The next is to supply an omission in the act, which could not be intentional—I mean the legacies charged on land—I propose to subject them to the same tax—that I calculate will yield 100,000l. The only other addition is on legacies to strangers in blood; I propose to raise the duty on legacies of this description from eight to ten per cent. which will furnish a sum of 30,000l. I will now recapitulate, first the amount of the interest of the loan, and next of the different taxes by which I propose to meet the charge created by the loan.

RECAPITULATION.

Total amount of interest on loan, including 3 per cents. created for loyalty holders, and charges of management	£. 1,537,192
Taxes proposed to meet the above charges:	
Post office	£. 230,000
Salt	490,000
Ditto on exportation to Europe	80,000
Pleasure horses	110,000
Husbandry ditto	320,000
Direct legacies	200,000
Legacies charged on land	100,000
Ditto, strangers in blood	30,000
	<hr/>
	£. 1,560,000

The

The estimated produce of the taxes will thus be somewhat above 20,000*l.* beyond the sum wanted.

This, sir, is the whole of the supply and ways and means for the year. I shall not detain the committee by any extrinsic matter. The general prosperity of the country, and the increase of our trade, in the third year of the war, and after such a war, too, as the last, are circumstances of deep and general satisfaction. The resources and the courage of the country will, I have no doubt, keep pace with every emergency; the people are satisfied, we have reason to know, with the system of raising a large part of the supplies within the year, and they are impressed with the conviction, that no sacrifices are too great to preserve and perpetuate the blessings they enjoy. Should any gentleman be desirous of explanation upon any part of the statement I have had the honour of submitting, I shall be happy to give it. I shall conclude by moving my first resolution.

As soon as the first resolution respecting the terms of the loan was put from the chair,

Mr. Fox rose to offer a few observations on what had fallen from the right hon. gentleman in his opening speech. The right hon. gentleman, when alluding to the subject of our connexions with the Continent, had stated that there was no difference of opinion as to the policy of attaching ourselves to some of the leading continental powers. To that proposition, generally stated, he certainly had no sort of objection, but certainly he could not suffer a general admission to be construed into an opinion of the policy or expediency of any subsidy for procuring continental aid. On that subject he at present had no wish to offer an opinion, but he could not help alluding to the novel manner in which the right hon. gentleman wished the ways and means to be voted. The regular way surely was for the house first to decide on the policy of any subsidy to be given, as well as its amount, before any specific sum was voted for that purpose. Here, however, the house seemed proceeding on different grounds, by first agreeing to a particular sum for the specific object of a continental subsidy, without having been permitted to form any opinion of the time at which the subsidy was to be afforded, or the manner in which it was to be applied. If afterwards any question arose on these points, it might be attempted to be argued; that all future discussion was precluded; and it was with the view of providing against any such assumption that he felt it his duty to rise on the present occasion. He had no objection

objection to have the sum of five millions in the mean time voted, but he begged it to be clearly understood, that with respect to the policy of a continental subsidy, the extent to which it might be carried, or the manner in which it was to be applied, he considered himself as at perfect liberty to offer his sentiments at length whenever the matter should be regularly brought before the house. He thought it necessary to make this declaration, though he had no reason to think, that in alluding to the question of continental subsidies, the right hon. gentleman wished to take the house by surprise. Having disposed of this preliminary question, the hon. gentleman next adverted to the new taxes meant to be imposed. As to the tax on agricultural horses, he confessed that he felt a considerable degree of alarm; every one acquainted with agricultural affairs knew that the tax, even as it now stood, was found to be highly oppressive, and he was sure that the proposed addition would be considered a very material burden by those most seriously concerned. He therefore had a strong objection to this addition. He had an equal objection to the proposed tax on salt, but he would reserve his observations on the subject to that period when the matter came to be fully discussed. In the mean time, he could not help remarking that of the taxes mentioned, with the exception of that on salt, none were on articles of consumption. It would not be denied that the possibility of taxing articles of consumption, was the best criterion of the powers of a nation to sustain public burdens. He disliked the idea of relinquishing this mode of taxation, as it seemed to indicate that we were in a situation far more reduced than he could bring himself to believe. He was sorry, too, for the addition to the property tax. His great objection, both to the income tax, as well as the property tax, was, that it afforded too great facility for augmentation, and that it was impossible to say where its operation would terminate. If now it was increased twenty-five per cent. it might soon be doubled or tripled. In short, by a gradual process, the people might, under the form of a property tax, be deprived of almost all they possessed. It was to be kept in view, at the same time, that the property tax was very unequally levied. So far as it affected property in land, the assessments might be pretty fairly arranged, but this would not hold with respect to commercial profits, to which no satisfactory mode of assessment could be applied. The danger was, also, that if the property tax were long continued, it might come to be considered as a permanent land tax, and voted annually on similar

similar principles. If the old mode of taxing articles of consumption was to be abandoned, and income was directly to be attacked, it was impossible to say to what limits it might be carried. At present it was confined to income, but it was not easy to say how soon even capital might be invaded. It was a matter of the utmost consequence to have it understood that it should not be augmented beyond a certain amount. It would afford great satisfaction to the country to know that it should in no case be augmented beyond the half of its present amount. People would pay the tax with the greatest satisfaction if they knew that it was to have a determinate period.

The *Chancellor of the Exchequer* agreed in the sense which the hon. gentleman laid down of the vote which he asked of the house. No man was considered as pledged to the subsidy. When the whole subject should be before the house, the time, the circumstances, the amount, and the probable benefit to the country, would be open to its full and fair judgment. It was thought proper for many reasons to bring forward the ways and means at an early period of the year, and to include in them the amount of the subsidy, which could not be so well provided for subsequently or separately. A late loan would have been more inconvenient and less advantageous. The interest accumulating on the stocks would have destroyed the effect of the sinking fund. There were other reasons also for bringing forward before late in the year the distinct points to which the hon. gentleman had first adverted. When the day should come on which the point of the subsidy would be to be discussed, the hon. gentleman and every other member would be as free as ever. He had further to say, that there was no informality in the course now proposed. The ways and means proposed would not exceed our own necessary occasions above 5,000,000*l.* Thus he was not only careful to preserve the freedom of opinion on all parts of the question of subsidy, but to prevent all objection even in point of form; for if the house should not be of opinion to allow the subsidy, the five millions designed for that would remain to be applied to other services. With respect to the taxes, the hon. gentleman wished to reserve the more particular discussion till the bills should be before the house; but, even in the present instance, he lamented, that the taxes proposed should be so much direct, and so little on consumption. These taxes would not, however, fall so directly on the general prosperity of the country. The salt tax, as the hon. gentleman allowed, fell directly on consumption; the horse tax fell on use and luxury, and in another

another respect, on what formed a part of the general prosperity. The postage also bore on the increase of wealth, and was one among many others of the flourishing state of our resources. Thus it appeared that eleven millions of the ways and means of every description was raised on use and consumption. The war taxes of last year, which were all on consumption, had produced eight millions; and taking the whole view of the war, there never was a period at which they could be expected to be less productive. If therefore this produced such an amount at such a time, without any inconvenience, the result confirmed his more sanguine expectation, rather than the more apprehensive one of the hon. gentleman. A tax on property was of all others the most economic, and that which those writers on the subject, whose authority was most respected, had described as difficult to render available, rather than as a just subject of revenue. The great revenue which had been derived from it here was a proof at once of the spirit of the people, of the facility of availing ourselves of our resources, and of the wealth and prosperity upon which these resources rest. But the hon. gentleman conceived that the advantage did incline to persons exercising commerce and industry, and that a larger proportion of property was exempt on personal than on real. It might be so in some degree, but it was not so altogether, and that the contribution had been brought so near equality, was a ground of approbation. As to the degree of exactitude, or approach to it, that was not in the power of any one to ascertain. Whether the tax was on the whole moderate and justifiable, was to be ascertained and determined by circumstances the same as in a horse-tax or any other. The disproportion between landed property and commercial property was not, however, such as the hon. gentleman supposed. From the more particular and more strict descriptions of property in the returns under the late act, it had been discovered that a much larger portion of the property of the country consisted in land than was imagined before. Under the income tax all the rental of the country was fixed at twenty-five millions; it was now traced so high as thirty-four millions according to the last assessment. This extension of the charge on lands so obviously accounted for, could not, of course, be a proof that the charges on commerce and industry were disproportioned. He had to observe, also, that the amount of property on lands was rated exclusively of the property in the woods and forests upon them.

Mr. Fox denied that the arguments for the increase of the
 Vol. I. 1805. T t property

property tax were such as applied to all taxes: for when a house tax became too high, a man may avoid it by ceasing to keep any house; but property was a thing in which there could be no limit till the whole was taken. With respect to wine, tea, or any other articles of consumption, taxation may proceed without reserve, because the individual would always have it in his power, as soon as the tax became oppressive and intolerable to him, to desist from them. He therefore preferred taxation of this sort to proceeding on dangerous principles, taking by little and little from the property of the subject, till the reduction was tantamount to the risque of the whole. Every body knew how human nature was worked upon by every thing that assailed it by degrees. He remembered a fable, which, to elucidate the force of habit, related, that a woman in a certain village had a calf, which she accustomed herself to take in her arms every day, and from the gradual increase, was able to bear it when it came to be a large ox. The fable was a good one, but he did not like it in its application to the present case; for, however we may be able to bear this little calf, we could not possibly bear the great fat ox it would grow to—(*a loud laugh*). He, therefore, could not possibly approve of a tax that had no natural limit in itself.

The *Chancellor of the Exchequer* thought it sufficient, to quiet the hon. gentleman, to state, that, in order to come to the point he stated, we should continue at war ninety-four years.

Mr. Fox, (with some warmth), said, he hoped the hon. gentleman would not continue at war so long.—(*A laugh.*)

The resolutions were then severally read and agreed to; the house resumed, and the report was ordered to be received the next day, and the committee was ordered to be renewed on Friday.

Mr. Alexander brought up the report of the committee on the Irish habeas corpus suspension bill, which was agreed to, and, after a few words from the chancellor of the exchequer and Mr. Kinnaird, the bill was ordered to be read a third time next day.

Mr. Huskisson presented accounts of exchequer bills outstanding on the 14th of February. Ordered to lie on the table.

The committee of supply was postponed to Friday. Adjourned.

HOUSE OF LORDS.

TUESDAY, FEBRUARY 19.

Mr. Adam was heard in a committee of privileges, as counsel for Lady Henry Fitzgerald, the claimant of the Rous peerage.

The loyalty loan and Greenland whale fishery bills were read a second time.

The London coal merchants' indemnity bill went through a committee and was reported without any amendment.

Lord King moved for an account of the amount of bank of England notes in circulation, on the 15th of each month, from January 1804, to February 1805, distinguishing those of 5l. and upwards.—A similar motion for Ireland.

And an account of specie remitted from England to Ireland, during the same period. All of which were agreed to.

Adjourned till nine o'clock.

When the house met again,

Sir Evan Nepean brought up the Irish habeas corpus bill, which was read a first time.

Lord Hawkesbury said there were urgent reasons for passing the bill as speedily as possible. On Thursday he would move the second reading; and, if the debate, which might arise, did not prevent it, he would also propose that it should be committed on the same day. He therefore gave notice that on Thursday he would move the suspension of the standing orders No. 26 and 125, respecting the progress of bills through two stages on the same day. Adjourned till Thursday.

HOUSE OF COMMONS.

TUESDAY, FEBRUARY 19.

At four o'clock, a number of members were ballotted for, out of which a committee was struck, to try the merits of the petition complaining of an undue election for the county of Middlesex.

Mr. Sturges Bourne moved, that there be laid before the house an account of the quantity of hops grown in the county of Sussex for the last fifteen years, and the amount of duty paid thereon. The house agreed to the motion. The accounts were then presented at the bar by Mr. Rix, and ordered to lie on the table.

T t 2

Mr.

Mr. Giles moved for the production of an account of the number of effective men which had been added to his majesty's forces from the 1st of January 1804, to the 1st of January 1805, distinguishing the amount of those which had been raised by the ordinary means of recruiting from those which had been raised by officers for rank, or in any other manner.—Ordered.

Mr. Calcraft moved, that the army extraordinaries be printed.—Ordered.

Mr. Brooke, pursuant to the notice which he had given the preceding day, moved, that there be laid before the house a return of the number of Spanish prisoners now in England, describing distinctly what is the amount of the number of officers, of sailors, and of passengers, and distinguishing those who had been taken previous to the declaration of war, from those who have been since taken; and also an account of the amount of private property taken on board the Spanish ships, together with the order or orders for the restitution of private property, if any such had been issued.—Ordered.

MIDDLESEX ELECTION.

Mr. White appeared at the bar and presented the following list of the committee appointed to try and determine the merits of the several petitions respecting the late election for Middlesex.

Robert Sharp Ainslie, Esq.	James Hamlyn Williams, Esq.
Sir William Middleton, Bart.	Charles Mordaunt, Esq.
Lord Viscount Fitzharris	David Clephane, Esq.
John Spencer Smith, Esq.	C. M. Ormsby, Esq.
Lord Viscount Marsham	Hon. Archibald Achson
Sir Robert Peele, Bart.	A. H. Eyre, Esq.
Charles Duncombe, Esq.	

NOMINEES.

Hon. St. Andrew St. John, for the petitioners.
Francis Gregor, Esq. for the sitting member.

SUSPENSION OF THE HABEAS CORPUS ACT IN IRELAND.

Sir Evan Nepean moved the order of the day for the third reading of the Irish habeas corpus suspension bill. Upon the question being put,

Lord Henry Petty apologized to the house for troubling them with a few observations previous to the question on the third reading of the bill being disposed of. He then called the attention

tention of the house to the precedent which they had before them of the grounds upon which such a measure was introduced in the year 1722, and of the firm and manly stand, which a considerable portion of that house had then made against the passing of it. At that time at least two-thirds of the king's speech was employed in pointing out the necessity there was for the house adopting such a measure. Even then, after considerable discussion upon the subject, there was, he believed, the largest minority against it that ever was known in that house; and it was not finally agreed to, until Sir Robert Walpole, then one of his majesty's principal confidential ministers, had pledged himself that he would shortly lay such facts before parliament as would most fully justify him in having proposed it. The disclosure of these facts, which took place in two or three months afterwards, certainly did bear him out in the assertion which he had made. But now where can the analogy be found?—There is not a single word upon the subject in the speech from the throne. Can the hon. and learned gentleman opposite declare, that he finds the analogy in what now exists in Ireland, or in what is likely to exist?—If he does, that is an argument for the inquiry, and not against it, as the house would then know upon what grounds they acceded to this extraordinary proposition, at a time when the necessity of the case is so far from being notorious, that every one of those gentlemen most intimately connected with that part of the kingdom have declared, that as far as their own knowledge could extend, the country was completely tranquil, and was as well disposed towards his majesty's government as any county in England. Until some inquiry was made, or until some pledge was given that a statement, similar to that which Mr. Walpole had promised, and afterwards made to the house, should be given in the present instance, he could not, consistently with his duty, in the face of such a precedent, agree to the passing of this bill.

After the bill had been read a third time,

Mr. Martin (of Galway) moved that words be inserted in the bill, stating the reason which had been assigned for the introduction of such a measure. He thought also that the law would not have that salutary effect which the framers of it intended, if it did not operate upon every part of the united kingdom. The very worst sort of machinations, and those of the most dangerous tendency, were those which were carried on by means of correspondence from England to Ireland.

land. If 500 disaffected men, for instance, were to land here, they would not be punishable by the provisions of the bill unless its operations were to extend generally over the whole of the united kingdom. The union was effected to very little purpose indeed, if the different parts of the kingdom were not now to be considered as being altogether identified as one and the same nation; and certainly if they were to be so considered, the bill should extend to the whole of the kingdom, or else not be passed at all. The hon. member concluded with reading his motion, which was nearly as follows:—"Whereas it is notorious that a traitorous conspiracy is now carried on between persons residing in that part of the united kingdom called Ireland, and other persons resident in France," to be inserted before the words "be it therefore enacted."—The hon. member said that at least it was fair that such a reason should appear on the face of the bill.

The motion, however, was negatived without a division.

The bill was then passed, and ordered to be sent to the Lords.

THE BUDGET.

Mr. Alexander brought up the report of the committee of ways and means of the preceding day.

Several resolutions were read, and agreed to without any discussion.

Upon the resolution being read, which goes to state the agreement of the house to the levy of an additional 25 per cent. on the property tax,

Mr. Fox inquired if there was not to be an exemption in favour of the subscribers to the loan, in that part of the bill which declares that a tax is to be raised on the proprietors of stock in general?

The *Chancellor of the Exchequer* replied, that as long as the property remained in scrip, the holders would not be taxed; but as soon as it became stock, and they were entitled to receive a dividend, they would be liable to the payment of the tax.

Mr. Fox then asked if it would be required of them to pay this tax for the whole of the time? and the minister answered—Certainly they would.

Mr. Johnstone declared, that though he observed both sides of the house little disposed to attend to this important subject, he should not discharge his duty, or satisfy his own feelings, without saying a few words. He must complain of the

the deficiency of information under which the house was called upon to vote such large supplies. The accounts of the public income and the public expenditure, and the account of the unfunded debt, were wanting; also the account of the produce of the consolidated fund. Even the distribution paper had only been laid on the table, and was not yet printed, or in the hands of members. There also appeared great irregularity in providing means to the extent of 43,600,000*l.* when grants for 35,000,000*l.* had only been made. Upon one of these, the million to the East India company, it was strange that when an act of parliament existed, binding the company to pay 500,000*l.* annually to the public, and when parliament had last year voted a resolution that the company possessed a surplus revenue of 1,000,000*l.* the first fruit of their prosperity was their being called upon to make provision for the payment of one million of debt. As to the 5,000,000*l.* for a subsidy to be provided, he could not, in the remotest degree, assent to it. No man was more ready to make every effort, and grant any sum, however large, when there appeared the prospect of an effectual combination; but when there did not exist the remotest chance of Austria and Prussia taking a share in the war, it was idle to suppose that the northern powers, Sweden and Russia, separated from France by a large intervening tract, could restore the balance of Europe. We were about to commence a system which could not be effective for a series of years, and it was fit the people should know that this was not the first subsidy they would have to pay, but one of many. As to the taxes, the one on salt was highly objectionable, and it seemed a little extraordinary that it should be proposed with so little preface, when its abolition had been recommended by a committee, who stated that great advantages would result from its abolition to all descriptions of persons, and to the agriculture, fisheries, trade, and manufactures. As little could he approve of the tax on husbandry horses. A bill had been passed last session altering the corn laws, on the ground that the profits of farmers were inadequate to their labour and capital; and now we proceeded to impose a tax on those profits. Two years ago, when the war had commenced, the house had been told that the war would be carried on by 12,000,000*l.* of war taxes, without borrowing a larger sum than was annually reduced by the sinking fund, 7,000,000*l.* He, on the contrary, had stated that the expenditure would amount to 42,000,000*l.* when our force was carried to its utmost extent, and

and that we should be compelled to borrow 23,000,000l. The result now was, that our whole expenditure this year was upwards of 49,000,000l. and amounted to 44,000,000l. independently of the subsidy, and that the loan, in place of 7,000,000l. was 22,500,000l. for England, and 1,000,000l. for Ireland.

Mr. Francis said a few words upon the subject of the million of money which is to be paid to the East India company. This was the second time that parliament was called on to make an advance to them of the same amount; and yet every statement which is made of their finances, declares that they are at present in the most prosperous situation, and holds out the most flattering prospect of increasing wealth in future. He would not say that nothing was now owing by government to the company; but he could not help remarking, that the 500,000l. which they had covenanted annually to pay the public, was never stated to have been actually so paid but once. But, in fact, there was no parliamentary evidence of the existence of the debt. The house had, indeed, the word of a right hon. gentleman that it was so; but that was not a parliamentary ground upon which they had a right to dispose of the public money; and it was evident to him, that neither the former nor the present sum ought to be paid without a parliamentary inquiry, and a satisfactory proof being given to the house of the existence of the debt. If it was proved that the debt did originally exist, the house would then have to inquire, whether or no it was liquidated, or nearly liquidated. The company would then have to give in an account of their stock, and would be obliged to make a deduction according to the state of the account between them and the public. The house would recollect that, notwithstanding the sum of a million sterling has been already paid to the company, of that debt which was alleged to be due to them, and notwithstanding their non-payment of the 500,000l. annually, which they had agreed to pay, they had last year taken credit for the whole sum of four millions as before. This unquestionably required some explanation.

The *Chancellor of the Exchequer* declared that he was not competent to give as accurate information on the subject as his noble colleague (Lord Castlereagh) would give if he were present; but as far as it was in his power he would endeavour to satisfy the hon. gentleman. In the first place, however, he must take the liberty of observing, that the subject was not at present regularly before the house; and he should also mention

mention that it would hereafter be made a distinct proposition to the house, at which time it would of course be competent to that hon. gentleman or any other member of the house, to express his sentiments upon the subject. If, however, he were to speak as to any general ideas which he might have upon the topic, he might say that it was very clear to him that, if the company were drawn to any extraordinary expences for the support of government, it was but just and honourable that government or the public should reimburse them for those expences, independent of the consideration of any previous arrangement. Their dividends the company was obliged to pay before all other things; and surely, if a much greater sum was due by the public to them than they owed to the public, it was not to be wondered at that they were not as regular in their payments as they would be under different circumstances. As to the general question, of the prosperous state of the company, it would be recollected that they had had to sustain the expence of two or three unforeseen wars; and, notwithstanding the extraordinary pressure which they must feel from the circumstance of these wars following each other in such close succession, it would be found, when the subject came to be more fully discussed, that the company was at present in a higher state of prosperity than it had been for several years. He hoped that now he had given the fullest satisfaction that could be afforded on the moment to such gentlemen as had thought proper to make inquiries, and that the house would agree with him in the opinion which he had formed of the most flourishing state of the finances of the company.

Mr. Johnstone, in explanation, observed, that the surplus which was given in the last India budget was incorrect.

The *Chancellor of the Exchequer* said, that that surplus referred to territorial revenue, which was equal to investments.

The resolution was then read and agreed to.

Upon the resolution being read which proposes an additional duty upon salt,

Mr. Calcraft expressed a hope that the right hon. gentleman would reconsider that proposition. At a time when the lower orders of the people were peculiarly pressed on by the high price of every sort of provisions, he conceived it to be the duty of that house to consider that nothing which could be avoided should be added to the burthens which they so patiently bear. Salt was an article so generally and so necessarily used by every class of people, that an addition of 50

per cent. to the duty on that article must be severely felt by those who had already had the misfortune to feel too seriously the pressure of the times. While he was on his legs he should also notice the hardship of the tax upon horses used in husbandry being nearly doubled. Persons who were employed in raising the first article of necessity were entitled to some consideration. If they were not supposed to merit this consideration, the right hon. gentleman would recollect that they, like other dealers, might raise the article upon the consumer, and that the poor, who would be most likely to suffer by the operation of the additional duty on salt, would feel the pressure double by the advance which most probably would take place in the price of bread. The salt tax, however, he considered, as most seriously affecting the lower order of the people, and hoped that if the right hon. gentleman could not provide a substitute for the additional tax on horses employed in husbandry, he would endeavour to remove that now proposed to be laid on salt to some other article which was not of such immediate necessity.

The *Chancellor of the Exchequer* argued that there was no article of life on which a tax could be less felt by the people at large than that of salt. It was an article consumed so gradually, and in general in such small quantities, that any additional duty like the present must fall lightly on the consumer.

Mr. Sheridan contended on the other hand that there was no tax likely to press more on the bulk of the people than the tax in question. Salt was an article so generally used with almost every other article of life, that any considerable increase in its price must be seriously felt. With pork and potatoes, those very general articles of food with the common people, it was particularly necessary. He contended, likewise, that so considerable an increase in the price of that article, without any previous notice, must prove very prejudicial to many individuals who may have been led to speculate in that article, on the faith of its undergoing no material change. He could not but consider this tax as still more impolitic, when he recollected that there was a report of a committee before the house, stating that the duty on salt should be discontinued, as its exemption from taxation would be productive of many advantages, from the various purposes to which it might be applied. This report was sanctioned by the authority of the late Chancellor of the Exchequer; and he believed the right hon. gentleman would not be disposed to run down

down the authority of that right hon. person. Instead, however, of repealing this duty, in conformity to the spirit of that report, we were to have an additional duty of 50 per cent.

The *Chancellor of the Exchequer* expressed great readiness to add weight to the authority of the right hon. person alluded to; and could not, he thought, do so more than by doing as he had done. That report had remained on the table for four years, and had never been acted on; he might therefore ask, what induced that right hon. gentleman, or the hon. gentleman himself, to make no attempt during those four years to realize the advantages which that report held out, if they had been really disposed to give it credit?

Mr. Egerton disapproved of the tax. Salt was an article in which his county (Cheshire) was much interested, and might be considered indeed as its staple commodity. He hoped, therefore, the right hon. gentleman would not press it without giving his constituents an opportunity of representing the disadvantages of which such an additional duty might be productive to them.

Mr. Kinnaird had been expecting every moment to see some member from the north follow the patriotic example of the hon. gentleman who had just sat down. As none of those hon. gentlemen, however, had yet thought proper to rise, he would take the liberty of taking that duty on himself. The north in general, and the highlands of Scotland in particular, that depended so much on their fisheries, would be considerable sufferers from this rise in the duty on an article so essential to the fisheries. The drawback he would allow [the *Chancellor of the Exchequer* had suggested this circumstance across the table] removed in a considerable degree that objection; but there were many instances in which the drawback could not be easily obtained, particularly by such as employed the salt for their own use only. He contended that the exorbitant rise of this article was every way impolitic, and believed that it would add considerably to the discontent of the lower orders against the war in which we had engaged.

Mr. Rose argued, that the drawback was a complete answer to every objection that could be drawn from the fisheries against this measure. The additional tax, in fact, was calculated to operate rather as a bounty, as it increased the amount of the advantages the fisheries already enjoyed over others. In regard to the injury individuals might sustain

U u 2

from

from having speculated in this article without receiving any previous notice of the measure in question, he did not think much was to be apprehended. In Hampshire, the county with which he was perhaps best acquainted, he was not aware that any such speculation had taken place, or that any bad consequences would result from it. He denied that it was a duty, the collection of which was attended with any extraordinary charges. The amount of the charge, he stated, did not amount to above twenty thousand pounds, and that therefore the duty was collected for not more than two per cent. This additional duty besides, he added, would be attended with no additional charge, as the expence attending the collection of the present duty would not be increased by its rise.

Mr. Calcraft stated, in explanation, that according to the report of the committee in 1801, the collection of the salt duty was attended with an expence of 100,000l. a year. Since that period, perhaps the duty may have been collected at less; but if they might trust the report of that committee, the annual charge of that duty was as he had stated it up to the period of that report.

Mr. Johnston allowed that the salt employed in the fisheries was free of duty, but contended that there were so many difficulties and impediments thrown in the way, that it was often difficult to get at the drawback.

Sir R. Buxton objected to the additional duty proposed to be laid on horses employed for the purposes of agriculture. It went, he said, to encourage the grass farmer instead of the growth of corn, whereas to promote the growth of corn ought to be the uniform policy of the house. He was not, however, one of those, he said, who wished to throw any thing in the way of ministers, and as they found it necessary to lay duties on their constituents, they ought to make some sacrifices themselves. As it was found necessary to lay an additional duty on letters, they ought to give up their privilege of franking. He could not sit down without adverting to what had fallen from an honourable gentleman respecting the popularity of the war. Instead of creating discontent, there never was a war, the hon. baronet thought, that was more liked by all descriptions of people than the present.

Mr. Windham could not agree with the hon. baronet relative to the right of franking letters. He was not for giving up that privilege, and argued that it rested on a ground very different

different from the mere consideration of expence. It was chiefly valuable as a feather in their cap, and gave them a power of conferring favours—the only power perhaps connected with their situation which was independent of place. It enabled them also to promote useful correspondence, and thus perhaps to encourage talents and literature. For his own part, he acknowledged that he had had literary correspondences which would not have existed had it not been for some such inducement.

The *Chancellor of the Exchequer* was of opinion that the right of franking was not so much an advantage to themselves as an accommodation to the public at large and to their constituents: the whole sum, besides, which might be diverted by this means from the revenue amounted to very little, not above forty thousand pounds a year. He could not agree with the hon. baronet, either that this additional duty on agricultural horses would discourage the corn farmer. He did not think the circumstance of paying 7s. more for a horse could induce the farmer to relinquish the superior advantages of growing corn. The taxes, both during last war and the present he contended bore ample testimony to the disinterestedness of parliament, in regard to the lower orders of the people. There never, perhaps, was a system of taxation of which the weight in proportion fell less heavily on the people.

Sir R. Buxton was ready to give the right hon. gentleman every credit for the disposition he had always shewn to relieve the lower orders from the weight of the burdens of the state.

Mr. Lascelles wished the right hon. gentleman to consider more maturely the subject. The duty laid on the agricultural farmer was a bounty to the grazing farmer. He would not say the additional duty would prevent raising corn, but it certainly went to discourage it, and the interest of the farmer, he argued, was the interest of the public, so far as produce was concerned.

Mr. Fuller and the *Chancellor of the Exchequer* had a short conversation on the property tax, as it relates to property in wood. *Mr. Fuller* insisted, that though wood, on an average, might not be considered as productive within less than fourteen years, yet that, according to the general mode of cutting wood, the owner of such property on the other hand might be a gainer by having returns previous to the necessary payment of the instalments.

The

The several resolutions were agreed to, and bills ordered to be brought in accordingly.

Mr. Windham rose to state, that in looking at the papers before the house relative to the number of men that had been raised for the army in the different counties, he discovered a mistake in the number stated to have been raised in Surrey. Sixty-two was there stated as the number. This, however, he was informed, was not the case; and therefore requested that the secretary at war, should he find this to be a mistake, would have the goodness to have it corrected.

On the motion of Lord Marsham leave was given to the committee appointed to try the merits of the two petitions from certain freeholders of the county of Middlesex, to adjourn to Thursday next.

Mr. Wilberforce brought in his bill for the abolition of the slave trade, which was read a first time, and, after some conversation between *Mr. Fuller*, *Mr. Wilberforce*, and *Mr. Brooke*, was ordered to be read a second time on Thursday se'nnight.

On the motion of *Mr. Kinnaird*, the order of the house, directing the printing of certain papers relative to Sir H Popham, was read.

Mr. Kinnaird had made this motion, he said, in order that this order might be discharged; as he was assured that all the papers relative to this subject could not be printed in time for the perusal of the house previous to the period fixed for their discussion. The obstacle had arisen from many of the printers refusing to work, so that even the votes of the house, he was assured, would not be got forward. He therefore moved, that the said order be discharged, as far as it related to an account of the provisioning of the ships under Sir H. Popham; and an account of the bills drawn by persons on board the *Romney* during his command.

The *Chancellor of the Exchequer*, on hearing the title of these papers, could not think the information of the house could be complete without them, and on that ground opposed the motion.

Mr. Kinnaird had no objection to withdraw the motion, as it was entirely an accommodation to the hon. gentleman himself that he had proposed it; and who, indeed, had suggested it to him that the business might not, from the circumstances he had stated, suffer any delay.

The motion was accordingly withdrawn.

On the motion of *Mr. Sheridan*, the adjourned debate concerning

cerning the sheriffs of Middlesex at the election in 1802, which stood for that day, was farther postponed till the following Tuesday.

The quarantine bill was re-committed to a committee of the whole house, underwent some alterations, and was ordered to be reported on Thursday.—Adjourned to Thursday.

HOUSE OF LORDS.

THURSDAY, FEBRUARY 21.

On the motion of the bishop of Oxford, thanks were voted to the bishop of Rochester, for the sermon preached by him the preceding day, before their lordships, on occasion of the general fast.

The Greenland whale fishery and the loyalty loan bills were severally passed through a committee, and ordered to be reported.

Witnesses were sworn in the Lingham divorce case, as to the probability of the lady's place of residence at present, which is in Paris.

MR. JUSTICE FOX.

The *Duke of Clarence* declared, that it was with great reluctance he rose to make a few observations upon the subject of an order of the house, which was that day to be submitted to their consideration—he meant the investigation of the charge which had been made against one of his majesty's judges. This important question was to be contemplated in two views, 1st, with a consideration of the sacred character of the judge, and the nature of the charges which had been brought against him; and, 2dly, with a recollection that, fortunately for the annals of this country, this was the first charge of that nature that had been brought before Parliament since the passing of the act to secure the independence of the judges. These considerations weighed so heavily upon his mind, that he was induced to pause before he gave his vote for the adoption of any particular mode of proceeding, by which the house might be brought into an embarrassed or difficult situation, or in consequence of which a dangerous precedent might be laid for the regulation of similar proceedings in future. From a due consideration of all the arguments which had already been advanced, and from his own most serious deliberation upon the subject, he was well convinced that it would be most becoming the dignity of that house, and most consonant to the principles of justice, that the question should be left to originate in another

ther place, and that their lordships should then be called on to give their decision according to what evidence should then appear before them. In order to give such an opportunity to the other house, he moved, that the order for the house going now into a consideration of the question be withdrawn, with an intention to move that a fresh order be made for that house to discuss the merits of the case the next day six weeks.

The *Earl of Limerick* assured the house that there was not any bias upon his mind that could incline him, through any motive of party, to wish that the delinquency of the learned person, who was now spoken of, should be established; neither had he any personal connection or regard that could induce him to express a hope that the subject which was now before their lordships should not undergo the most full and ample investigation. When he considered, however, that a great portion of the emoluments of a judge's office in Ireland depended upon his going the circuit, and that a charge of this nature hanging over his head might prevent him from so doing; when he further considered the enormous expence and very great inconvenience which the witnesses in this case might be put to by a postponement of their examination at the bar of the house, he thought the principles of justice required that the investigation of the conduct of that learned person should take place as speedily as possible, in order that, if he was guilty, the severest punishment which was possible should be inflicted on him, as this was the first, that so it might be the last offence of that nature that would be brought before parliament; or, if he was acquitted of the charge, that his mind should be restored to its proper tone, and that he should be restored to the performance of that duty which the Irish public had a right to expect of him.

The *Earl of Carlisle* was of opinion that the proceedings of their lordships at present would be like that of a grand jury; they would have, in the first instance, to search out the nature of the crime; and if, after that, they were to be brought to pronounce judgment upon the same person when brought up from another tribunal, it would be impossible for them to be without some bias upon their mind. The difficulties to which an illustrious duke had adverted, and which had been mentioned on a former night, were also most serious arguments for the postponement of this discussion. As it would not get rid of the question, but would only set it at rest for six weeks, he heartily concurred with the illustrious

trious duke in the motion for withdrawing the order for the present.

The *Baron of Westminster* gave a minute detail of the proceedings of the house, and of the different arguments which had been advanced on either side. The noble lord then alluded to the idea of embarrassment to the house in their proceedings. He contended, however, that if the other house should agree to an impeachment at a future period, they could not reasonably object to an address for the removal of that person whom they impeached, as the removal was likely to be the lesser punishment of the two. If, on the other hand, this house should have voted an address to his majesty, praying the removal of such a person, they unquestionably would not do so on light grounds, but still there might not be a legal or a sufficient ground for their convicting him on articles of impeachment. Therefore it appeared to him, that neither house would be bound to any thing further by adopting the mode which was regularly before them; and, as much inconvenience might result from adopting the proposition of the illustrious duke, he felt it to be his duty to vote in support of the order of the house.

Lord Auckland declared that he really had wished that the proceeding should have originated in another place; but, now that he found himself in the situation in which he was, now the papers had been laid before the house, and their lordships had come to a resolution, or made an order on the subject matter of these papers, he conceived that he was bound to proceed with the investigation.

Lord Mulgrave protested against the admission of such a monstrous doctrine as that one house could not adopt a certain mode of proceeding, without having a certain knowledge that it would be acceded to in the other. It undoubtedly would sometimes happen, that a difference of opinion might arise between two great assemblies, but still each was to guide its conduct by its own judgment, and by the facts which might be brought before them. This house might see that there was such a degree of impropriety in the conduct of a judge, that they might address his majesty for his removal, while the house of commons might conceive that there was something criminal in his conduct and impeach him; but their lordships would be perfectly at liberty to either convict or acquit the person so accused, according as the matter would be then stated before them.

Lord Carleton opposed the motion, and made some remarks

upon the manner in which the charge had been supported. Upon this

The *Marquis of Abercorn* assured the noble lord and the house, that he had no other object in view, but that of doing justice between the learned person who was then the subject of debate, and the public at large.

Earl Spencer gave full weight to all the arguments which had been advanced, respecting the inconvenience to which witnesses and to which the learned person himself would be subject, but a consideration of the inconvenience which might result to parliament had much more weight upon his mind. He therefore supported the motion of the illustrious duke.

Lord Hawkesbury defended the original mode of proceeding, and maintained that it was much better calculated to answer the ends of justice, than that which had been that night proposed. It was most decorous that the same persons who began to investigate the conduct of any person whatever, should investigate it throughout and come to a final decision.

Lord Grenville declared that a more extraordinary doctrine he had never heard laid down gravely in that house, than that one and the same individual should be tried twice for one and the same offence. There was no court of justice in his majesty's dominions that would for a moment entertain the abominable proposition. The act, he believed in his conscience, was passed to prevent persons who were incapable of performing the duties of their office, or who might be immoral characters, from longer holding the situation of a judge. It was a sort of milder punishment than that of impeachment, which was directed to something criminal. When he heard a noble lord make the assertion, that it was most proper that the persons who commenced the investigation should go through with it and come to a decision on the case, he might suppose that the ordinary proceeding of our courts of justice were nearly at an end. He might expect to hear the noble lord come down to the house the next day, and move to overturn the whole system of the justice of the country. The ordinary and the established manner of proceeding was for a grand jury to hear only one side of the question, and on that to find a bill; but then the same persons did not go on to the conviction of the party accused. It would be remembered that, in the case of Warren Hastings, the other house, when the charges were alleged against him, gave

gave him an opportunity of being heard at the bar in his defence, before a single article of impeachment was made out against him. They then brought him before this house, which, by virtue of its superior privilege, examined witnesses upon oath. In the case of Sir Elijah Impey, also, a defence was made at the bar of the other house, and in consequence of that defence the charges were set aside. The house of commons therefore were properly the grand jury, who undertook the first investigation of the charge, and either founded a proceeding on it or rejected the accusation. This was, as it is by its constitution, the court of justice, the province of which it was, to examine the business more minutely, and come to such a decision as the case might warrant. Notwithstanding, by the words of the act of parliament upon which this proceeding was grounded, the accusation had a right to be begun in either house, yet the idea of the same persons making the first inquiry, so as to sift out the nature of the crime, and afterwards pronouncing judgment upon the case, was so repugnant to every principle of British legislation, that he thought it best to leave the other house an opportunity of taking up the measure, if they should think fit. He was the more inclined to do so, as, if he was not misinformed, the delay which had already taken place in that house was occasioned by the petitions not having been renewed. The short delay which had been proposed would only give them an opportunity to renew the petitions, and then the business would come in its regular course before this house. He therefore supported, most cordially, the motion of the noble and illustrious duke.

Lord Sidmouth said, that in the natural division of the respective duties and privileges of the two houses of parliament, that which was judicial seemed to belong as peculiarly to the chamber of lords, as that which respected finance belonged to the chamber of commons. He by no means questioned the right of either house to originate subjects of every kind, but their lordships well knew that the chamber of commons did in fact claim and exercise the right of commencing questions of finance; and it could not be denied but that the house of lords, by possessing the power of administering an oath, was peculiarly fitted for the discussion of judicial questions. He therefore thought that this question properly began here; and he could see no just ground whatever for the delay of six weeks; at the end of that time they might be in the same situation as they were now. It was of the

utmost importance that the matter should be decided on forthwith. The noble lord opposite (Lord Grenville) seemed to resolve the power of the two houses, as to inquiry into the conduct of judges, into the single case of supervening imbecility; now, he thought that this was a case more suited to ministerial arrangement, and of which the noble and learned lord on the woolsack would feel it his duty to take cognizance.

Lord Grenville could scarcely believe that the noble viscount had been in the house when he spoke; so totally had the noble viscount mistated what he had said. He had expressly enumerated three grounds upon which the two houses would feel it their duty, under the act of king William, to address his majesty—1. Crime in the execution of his duty. 2. Criminal conduct not in the execution of his duty; and 3. Supervening incapacity.

After some mutual explanations, the house divided on the motion for adjourning the discussion.

Contents 9—Not Contents 36.

It therefore stands for the appointment of a committee to inquire into the charges.

SUSPENSION OF THE HABEAS CORPUS ACT IN IRELAND.

The order of the day for the second reading of the bill for the suspension of the habeas corpus act in Ireland was called for. Previous to its being read,

Lord Grenville moved, that an humble address be presented, praying his majesty to order to be laid before the house a specification of the conditions upon which all the persons imprisoned under the suspension of the habeas corpus for the last twelve months had been delivered. The noble lord thought that this information was necessary to enable their lordships to judge of the propriety of again suspending that most important act; and he had so worded his motion as to prevent all possible inconvenience from the production of the paper.

Lord Hawkesbury could not agree with the noble lord, that the production of this paper would be attended with no inconvenience. In his opinion, it would be seriously mischievous. There was no precedent for such a disclosure.

The *Marquis of Sligo* conceived it possible that in some instances the conditions on which persons had been discharged from confinement would be totally destroyed, and the purposes disappointed, by disclosure. It might be supposed that they were made necessary to discoveries, and that they

they had become the secret agents of government. He did not know this; but he should conceive it to be good policy to make this use of them.

Lord Grenville remarked, that no person connected with government had stated any possible mischief that could arise from his motion, and he certainly foresaw none.

The *Lord Chancellor* said, that all the benefits of the suspension of the habeas corpus, as a measure of precaution, would be infinitely short of the detriment which this motion would do; and he could take upon himself distinctly to say, that the production of the paper moved for would do serious mischief.

The motion was negatived.

The order of the day was then called for, and the bill for continuing the suspension of the habeas corpus act in Ireland till six weeks after the commencement of the next session of parliament, was read a second time, and was ordered to be committed.

Lord Hawkesbury rose, he said, to move for the discharge of the standing rule, which requires that no bill of this nature shall go through two stages in one day; and he thought it right to state, that he did this in order to move that the house should go into a committee that night on the bill which had been just read. The reasons for this urgency were, that the present suspension act would expire on Tuesday next, and there was, therefore, no time for the usual forms of the house. As to the necessity for continuing the suspension, he presumed to think that little need be said. Though he could assure the house, that at no period was the north of Ireland more tranquil or more loyal than the present, yet he was sorry that he could not say the same of every part of that country. The reasons for the suspension were notorious. It was perfectly known that there were not merely committees of Irishmen in France, but corps embodied, and in the pay of the enemy; that they held correspondence with disaffected persons in Ireland; and therefore he thought, that if grounds had subsisted for suspending this glorious act, no less than nine times in the course of the last war, much greater subsisted now. He concluded with moving to discharge the standing order.

The *Marquis of Sligo* took notice of the expression, that the north of Ireland only was loyal. He believed that every part of the country was loyal; taken in the mass, it was in a most perfect state; though he was ready to own that emis-

saries

saries might be at work to sow disaffection, and that this bill might be necessary and useful to keep them quiet.

Lord Hawkesbury explained that he by no means intended to say that the north of Ireland only was loyal, but that he could not say so much of the tranquillity of every part of Ireland as of the north.

The *Earl of Carlisle* said, that whatever reasons there might be for continuing the suspension of the habeas corpus in Ireland, there could be none for treating parliament in this summary way. Acts of parliament were not subject to apoplexy. Their dissolution was necessarily foreseen, and it became the duty of ministers to explain to that house what had prevented their introduction of this bill in time for it to undergo its regular investigation. It seemed necessary to create a new patent office, to apprize ministers of the approaching death of their own acts. He was an enemy to this unexplained mode of depriving the subject of his most invaluable privilege, and trusted they would be told why all this unprecedented speed was necessary.

Lord Hawkesbury assured the noble earl that no peer could pay more sacred regard to the liberties of the people than himself. But in this instance there was no time to go through the usual forms, since the present act would expire on Tuesday next, and it required time to forward the act, after it had received the royal assent, to that kingdom.

Earl Spencer observed, that the question was not whether the act should be again suspended, but whether it should be suspended without inquiry? Parliament had sat since the 15th of January—Why not, if the reasons for this bill were notorious, introduce it sooner, to give it the sanction of deliberate inquiry? As to the notoriety of the grounds for the suspension, he, for one, knew nothing of it, and was denied all means of knowledge. A noble marquis who was well acquainted with the country, had said that it was in a perfect state. Why then all this haste? Even after departing from all the rules of the house, it was very doubtful whether the act could arrive in Ireland in time; for it could not receive the royal assent before Saturday.

The *Earl of Longford* argued that the state of Ireland imperiously demanded the continuance of the suspension of the habeas corpus. Noble lords on this side of the water had heard of the horrors of rebellion—but they had felt them. He could truly say, that the suspension of the habeas corpus had been a hardship only on the disaffected and traitorous.

The

The loyal and well-disposed had suffered no grievance on that account.

The *Duke of Montrose* supported the motion, and assured the house, from his own peculiar means of knowledge, that if the bill received the royal assent on Saturday, it would arrive in Ireland on Monday.

The *Earl of Enniskillen* assured the house, from a residence in Ireland for fourteen months; that the bill was unfortunately necessary.

The *Duke of Clarence* contended that the question was not whether the bill was necessary, but whether they should pass it without inquiry. The noble secretary spoke of his veneration for the habeas corpus, and yet by his conduct sported with it in the most wanton manner. What had ministers been doing for the six weeks that parliament had sat, not to bring in this most important bill in time to allow the house to discharge their duty to the country?

Earl Limerick went into a statement to shew the urgent nature of the measure, and said, that even mercy to the peasantry of Ireland demanded that they should pass this bill, to protect them from the machinations to which they were subject.

The *Earl of Darnley* was averse from granting such a power to any set of ministers, and to the present least of all, for it was known that they were totally divided among themselves as to the treatment of the Irish people. One set of them had gone out of office expressly because they could not obtain for the Irish what they thought they deserved, and what would keep them loyal: the other had come in on the express condition of withholding from the Irish this boon. Could he give to such men this tremendous act without inquiry?

Lord Auckland declared his conviction of the necessity of the bill, and at the same time could not figure any objection as to the propriety of discharging the two standing orders of the house, which, instead of being an infringement, was in itself a recognition of their privileges remaining in full force.

Lord Grenville could by no means allow it to be esteemed as a reason for their lordships discharging any of the standing orders of that house, that there had not been time sufficient before the period when the bill was brought to them, to carry it through the other house of parliament? Why had not the measure been brought forward weeks before? And, if

If ministers were really serious in their representations as to the necessity of the continuance of the suspension, were they not culpable in thus entrusting the tranquillity of Ireland to the uncertainty of the winds and waves? During almost all the suspensions of the habeas corpus which had occurred for many years, committees had been appointed to inquire into the propriety of the measure, and he saw no reason why such a step should be dispensed with now. He was not prepared to say, either from his own personal knowledge, or as a member of that house, that he was convinced the measure was unnecessary. It was, however, incumbent on noble lords who sought to continue the suspension, to prove that necessity; he was not bound to take it for granted. There was, at all events, no parliamentary ground for agreeing with the recommendation of the noble lords on the other side, and, in absence of all such proof, he could not agree to dispense with the established orders of the house. If it should happen that the act should expire before evidence of the renewal reached Ireland, he presumed the government there would know so much what was required of them as to continue it in force for a few days, and he knew that in doing so they would be indemnified by parliament. If, however, it was the resolution of their lordships so far to overturn the ordinary regulations of that house, as to allow the bill to go through more than one stage in a day, he thought they had better carry it through all its stages that night.

Lord Mulgrave thought it remarkable, that while all their lordships on the other side of the house had expressed their determination not to oppose the bill, they still wished to object to the only measure that was calculated to give it due and timely effect. He was particularly astonished that the noble lord who spoke last should blame ministers for entrusting the safety of Ireland to the chance of the winds and waves, while he himself wished, by interposing delays, to add to the dangers to be from thence expected. But still more was he astonished to hear that noble lord recommend to the government of Ireland an infringement on the law of the land; while he himself was so much afraid of a departure from a standing order of that house, even when it was sought to be discharged in virtue of another order of the house equally binding.

The question was then put, that the two standing orders, 26 and 155, be discharged.

On

On this question the house divided, contents 43, not contents 13—majority 28.

The house then went into a committee on the bill, when the Duke of Clarence moved, as an amendment, instead of the words—“do continue for the space of six weeks after the meeting of the next session of parliament,” the words “*after the date of the passing of this act.*”

This amendment was negatived without a division.

The other clauses were then gone through, the report was received; the bill was read a third time, passed, and a message to that effect ordered to be sent to the commons.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, FEBRUARY 21.

A new writ was ordered for Calne, in Wiltshire, in the room of Joseph Jekyll, esq. become one of his majesty's counsel learned in the law.

A person from the commissioners of the Thames navigation presented an account of the receipts and payments of that company in the year 1804.

Mr. May postponed the consideration of the petition from the retail dealers of Belfast, against the six per cent. duties.

Lord Dunlo brought up the report of the quarantine bill, which, with the amendments, was agreed to.

Mr. Johnson, from the office of the chief secretary of Ireland, presented certain accounts, which were ordered to lie on the table.

After some conversation between Mr. Huskisson, Mr. Rose, and Mr. Calcraft, it was ordered, on the motion of the last-named gentleman, that the report of the committee of 1801, on the salt duties, be re-printed.

Sir John Newport moved; that a list of all reversionary grants in Ireland since 1st January 1795, stating the dates and terms of those grants; together with all compensations for boroughs, and all claims for such compensations, whether allowed or rejected, and the expenses, &c. attending such claims, be laid before the house. Ordered.

The Secretary at War moved for an account of the number of men raised under the army of reserve act from the 1st January to 20th June 1804. Ordered.

Mr. Huskisson brought in the loan bill, which was read a first time, and ordered to be read a second time next day.

On the motion of Lord Dunlo, the thanks of the house were voted to Dr. Hall, for his sermon preached before the house the preceding day, which he was desired to print.

The postage duty bill was, on the motion of Mr. Huskisson, read a first time, and ordered to be read a second time next day.

Mr. Giles postponed his motion relative to the expiring naval commission from Monday to Friday.

Mr. Huskisson brought up the bill for imposing an additional duty on horses, which, after a few words from Sir Watkin Williams Wynne, who expressed his entire disapprobation of the measure, was read a first time, and ordered to be read a second time next day.

Lord Archibald Hamilton gave notice of a motion for Monday se'nnight, relative to Irish payments at par.

Mr. Johnstone moved that the account of the distributing of the two millions five hundred thousand pounds, raised by his majesty pursuant to an act of last session, be printed. Ordered.

NATIONAL DEFENCE.

Mr. Windham, in rising to submit to the house the motion of which he had given notice on the first day of the session, could not forbear calling the attention of gentlemen to the numerous postponements that had taken place with respect to the motion, none of which, except the last, had originated with him. The only delay that was chargeable to him was rendered desirable and necessary by many considerations. The motion he was about to offer was almost precisely the same as that offered by his hon. friend on the bench above (*Mr. Fox*), on the 23d of June last. It was his intention to review the various acts that had been passed for the defence of the country, and to consider the means of permanent defence which they afforded. He conceived it necessary to revise those acts, and to render the provisions of them more complete and permanent, and this would be the object of the first part of his motion; the second part of which would be to refer it to a committee to consider the best means of making the improvement he proposed. He saw many gentlemen on the other side of the house who had thought it most necessary to review the system of defence in the last session. He would ask those gentlemen how they could think such a review necessary then, and not think it full as necessary now? He desired them to take the account as it stood then, and to consider

in

in what respect the balance had been changed. It was necessary to alter the state of the case that some change should have taken place, either that the enemy's means of annoying us should have decreased, or that our relative strength should have increased more than theirs. It was necessary also, that this diminution of our danger should not be a temporary cessation, but that the cause of apprehension should have entirely passed away not to return. In his opinion no material change had taken place. It was true some addition had been made to our force, but if even a greater addition had been made that would not be sufficient. The general state of our military establishment was what it would be necessary to inquire into, and what had been done under the late defence act, to give those improvements which were so generally allowed to be wanting before. Those who had voted for a committee of inquiry on this subject before, and one in particular had gone further than all the rest (the chancellor of the exchequer), were he thought particularly called upon to support his motion. He should feel extreme surprise if they should resist it, and was at a loss to think what reason they could possibly offer for such a resistance, except, indeed, they were prepared to confess they were wrong in their opinions at that time; that the measures they arraigned at that time had merits which they did not then see; and that the measures they recommended had deficiencies of which they were not aware. Was the right hon. gentleman (the present chancellor of the exchequer) prepared to say, that the whole of the additions made to our military establishment were made by his present colleagues, whom he then opposed; was he prepared to say, that the measures he then declared bad were now good, and that the men he then censured as incapable, were now most capable? Was he prepared to say to those men, your measures have been such, that if I had then had the opinion of them which I have now, I would not have voted for the inquiry? Was he prepared to allow that every thing which had been done, and which was now available, was done by them? Was he prepared to say to his now noble colleague, of whom he was then the strenuous opponent,

Quod scio et facio, si facio tutum est.

He was, indeed, himself prepared to allow, that the noble lord and his associates had done much more than had been done since; but his opinion was not changed as to the positive defects of what they had done, he still continued of opinion that

X. y. z

the

the inquiry was necessary; and he thought those who voted for it on the former occasion, could not do otherwise than support his motion now. If it was meant to be argued, that men were procured by the measures ultimately adopted by the late administration, and then in progress, he had never denied that the system of raising men for rank would procure men. He was ready to allow the force of family influence in Ireland and Scotland, but he contended that the principle of a system of recruiting by that influence was injurious. It was not to be denied that the presumptive heir to an estate may raise money on annuity, but such would be ruinous to him. The measure of recruiting for rank was one which he always objected to, not that he denied its power of raising men, but that he thought it a most pernicious mode of obtaining them. Thus the ballot obtained men of necessity, and a considerable force, almost all that had been obtained to meet the extraordinary exigency, had been supplied by it, under the direction of the late ministers, so that whatever obligations the right hon. gentleman opposite owed to it, he was indebted for to them; yet, whatever it had produced, could not reconcile him to the principle, any more than if the parish bill itself had produced men. He therefore saw nothing to diminish the necessity of inquiry. All the former objections to the state of our military establishment were still in full force; and he knew not how, after the failure of the measure proposed as a remedy, any member who voted for inquiry then, could avoid voting for it now. This, however, was a mere *argumentum ad homines*; for though a large part of the house, notwithstanding it was a minority then, now a majority, had supported that proposition, he should not think it necessary, on that ground alone, that they should support him. Men should be determined always by the evidence before them; many of the measures then instituted had by this time been brought to trial, and had justified themselves by their success; others had been decidedly condemned by their failure. The very circumstance of a Spanish war changed the situation of the country. But that was not all. It might have been said by the late ministers and their adherents, that the regiments raising in England and Scotland promised to be successful; that some of their other measures also had procured men, and that the army of reserve, though suspended, had been amply successful, and might again be revived, and that a further trial of all their measures would prove the efficacy of them. To those who voted for inquiry against those ministers, he would submit a broad question as
to

to the necessity of inquiring now. Was not the present state of this country, not meaning by the present state the bare condition of the moment, but as far as the view could reach, a consideration of more vital importance than had ever before been known? Whether an army was not necessary not merely to enable this country to rank among the nations, not only to preserve her power, her distant colonies, and the other sources of her consideration, but even to preserve herself from year to year? Whether our situation was not like that of the feudal times, when a man was obliged to sleep with his sword under his pillow, and when he was under the necessity of keeping his armour by him even while at the plough? All that we saw around us abroad, all the domestic occurrences that had taken place here, all the military discussions that had taken place in the house, the result of which had been the turning out of the last minister, and the coming in of the present; which had turned ministers of finance and chancellors of the exchequer into colonels and generals, and which had rendered all the men in the country military, all this proved the extraordinary and imperious necessity for a great and permanent military force. The next question was, whether we had or were soon likely to have such an army as was necessary for an immediate exigency? The third question would be, whether our military system was commodious and well constructed, so as to answer the public exigencies in the best manner; so as to yield the best possible force, or a force in some measure adequate to the expence and exertions of the country? Fourth, supposing it answered all the requisites, had it that facility of recruiting, by which it could exist long and support itself without any new or extraordinary aid? Could these questions be satisfactorily answered, unless the state of the country was different from that which he described it; unless we could soon have an establishment adequate to the exigency; unless the description of the force was good and in proportion to the expence we had been at, and the exertions we had made; unless it could be recruited and kept up so as to secure it from decay? Unless perfect and complete satisfaction could be given on all those points, there was a positive and undiminished necessity for the inquiry. We were told of the force of the volunteers, the militia, the army of reserve, and the regulars. His first objection to this army was its variety. Variety was a perfection in nature, but it was not so in the constitution of an army. The distinction
of

of heavy dragoons, light cavalry, artillery, and infantry, was satisfactory, because these were the different component parts of the army; but the different species of force in the other case were distinct armies in themselves. If one of these descriptions of force was good, why was not the whole of that description? for instance, why was not our whole force militia? The answer was, that we wanted part of our army for foreign service, and that the militia was only for home service. This reminded him of the man who cut a large hole for his cat to pass through, and a small one for his kittens (*a laugh*); for it seemed to be forgot, that those who were liable to serve abroad could serve at home likewise. He thought it better, before he proceeded farther, to examine the constitution of those four different armies, how far they were consistent with economy; how far they gave the greatest and best force; how far they interfered with each other; how far they counteracted the general means of recruiting; and how far they were the basis of a permanent force. The volunteer system had undergone so much discussion, that he wished he could pass over it without saying any thing now. But he could not help saying that all his former opinions were confirmed by the additional experience he had had since he expressed them. They were further confirmed by testimonies of the best authorities; and here he hoped it would be hardly necessary for him to say that he meant not the slightest reflection on those who composed the volunteer corps, who were ready to do any thing that was pointed out to them; who had taken great trouble to do what they were directed to do under this system, and if they had not done what was best, it was not their faults. The volunteer system had many defects in all views, political, civil, and military. If the volunteers were designed to answer a sudden emergency, it was a misfortune that they were not left to accomplish their natural purpose in their natural state.—There were things before the house, sufficient to indicate what might be expected, if it was attempted to give them a forced character and a prolonged existence. If there was any such intention, he looked upon it as dangerous in a political view, and he protested against it. As to the civil character, he apprehended a general effect on the manners and habits of men, such as would be much to be lamented. It tended to disturb the general relations of civil life, to fill those who belong to it with vain and extravagant pretensions, to bring down the high and to exalt the low. Though he was not

not one who wished for a high handed aristocracy, such as that of the times when the high looked down on the low, he was still a friend to the consideration of ranks. History had a story of a prince who had a man to go before him, to remind him that he was a man, lest he should forget he was one; and many political writers thought it a great advantage in our constitution, that our popular elections brought the great occasionally to sue to the humble. But extreme distinctions were not the vice of the present time. The peasant now came so near the courtier that it was not necessary to study to confound them still more. When committees of volunteers had the power of giving votes of praise and censure to those of the highest ranks, he thought a door was opened for much injury to society in a quarter where it was least apprehended. There was not a people in the world disposed to shew more respect to the superior classes than the people of England, he meant a dignified respect, having nothing slavish in it, a homage to imputed virtues. If these virtues were not equal to the credit given them, the fault was in those who were supposed to possess them, and the respect that was shewn on the belief of their existence, was not less honourable to those who paid it. Then as to the effect of the volunteer force on the army, he did not think it could be the object of any considerable degree of confidence. If some battalions were equal to regular soldiers, and others were not so, it would be impossible to know when they were to be depended upon and when they were not. It was like those books of travels in which truth and falsehood were mixed, it was impossible to distinguish what was true. To those who argued that the volunteers were better materials of defence, disciplined as they were, he answered so was a pistol a more effectual weapon than a bludgeon, but if the lock was out of order and the powder bad, the bludgeon was unquestionably better. It was absurd to suppose, that putting men in red coats, and grenadiers caps, was sufficient to make an army. We were told every day of the volunteers being so well trained, of their dressing, marching, exercising, manœuvring, and looking in every respect like regular soldiers; but that was not enough to make them regular soldiers. Nothing more like than a picture was to a man; yet it was not a man. A celebrated painter made grapes so like, that the birds came and pecked them, but they found they were not grapes; it was like the painted devil described in Macbeth, as frightening children. (*A laugh.*) This painted army was such a one as mere men could make the

the likeness, but not the reality of a regular army. It was not by the mere combination of the mechanic parts of discipline that a soldier was to be formed. It might as well be said, that flour, sugar, plums, and batter made a pudding. There was a process, and the action of fire and water necessary to the perfection of that excellent production. This was the sense and the philosophy of the subject. He did not wish for the continuance of the volunteers as part of our military system, he wished they never had been a part of it. It was urged that the volunteer system was a proof of the spirit of the country; he allowed that it was, if such proof were wanted. But he should have thought that the enemy would have allowed us credit for this spirit without this proof, that even supposing us to be a nation of shop-keepers, they would believe us sincerely attached to our shops. The volunteer force could not be counted upon in point of permanence. Founded upon zeal, it was of necessity as temporary as its principle, and though new threats may be used to enforce the continuance of what former threats had contributed to create, the duration must of necessity soon find its limits. It was like a fine theatrical position, which could not be preserved beyond a certain moment, and if the curtain did not drop, the arms must fall (*A laugh*). The men would fall back into their natural station. By bounties and threats an effort may be made to draw them forth into battalions. The government may shake parchment at them to drive them back again into these battalions, as it had done at first to drive them forward. A bill may be passed to render the volunteers more voluntary (*A laugh*); and to make them permanent they may be constituted into a little militia (*A laugh*). It was said, in accounting for the thinness of the musters, that those who absented themselves from drill had learned all that was necessary. Those who were not diligent being of course soonest perfected; if they absented themselves as soon as complete, those who remained in their absence must be a mere awkward squad (*A laugh*); and when all were completed, there would be none in attendance (*A loud laugh*). There were certainly some things, such as swimming, which if once learned were never forgot; military discipline was not of that number, it required continued exercise to preserve it. From these considerations he could not agree that the volunteer system had done any great good, or that it was calculated to do any—but least of all, that it was to be looked to as a part of our military

tary establishment. Next as to the militia, which he would describe in two words, by allowing that it was as good a force as it could possibly be, and that it went far beyond the designs and expectations that were formed of it at its institution. It had attained the highest perfection it could possibly reach, but the vicious principle of the ballot on which it was founded, had the most pernicious effects on the means of supplying our general military system. There were but two ways of supplying an army, by voluntary services and by compulsion. The armies of most other countries, he believed, in some measure of all, were now supplied by compulsion. France recruited her armies by conscription, he believed, not to the exclusion of volunteers; old France, he believed, recruited entirely by volunteer service; Russia recruited by compulsion; so did Sweden; Denmark in a great degree; Prussia altogether; and Austria chiefly by means not very remote from these; Britain had raised its force by volunteers alone, with the exception of the train bands. The consideration of a bounty of one guinea, or a guinea and a half, could not have presented any inducement. The inducement was the state and condition of a soldier, and the bounty served only to wet the bargain (*A loud laugh*). Here the honourable gentleman traced the history of the militia, from its institution in 1756, from the impulse of shame at having Hessians and Hanoverians brought into the country to defend it. This was considered as a cheap force, which would lie by in time of peace, and go to grass till it was wanted (*A loud laugh*). Thus being a force of mixed description it lost the advantages of both those between which it was intended as a mean. Our foreign and our home defence were intimately connected. The loss of its greatness would be to this country equivalent to the loss of its existence, for when it ceased to be great it would cease to be at all. There could be therefore no question of the legitimacy of the right of calling for and enforcing personal service, if there was a necessity of calling for it. It was not necessary, however, to have recourse to compulsion, and it was not legitimate as we could do without it. There were other measures more constitutional and more consistent with our former practice, which there was still room to hope may be successful. Such was the system that had existed before the ballot had been introduced, a poison that had of late spread so widely and been so destructive. This poison had long lain dormant. There was a spirit in the lower orders of

the people, which would not for a time suffer the ballot to be enforced. From 1756 till 1774, the beginning of the American war, the ballot had never once been enforced, but in this period there was certainly included eleven years of peace, from 1763 to 1774. At that time there was no system of substitution, no bounties given out of it. From that time the increase of bounties commenced. The government was before the only bidder in the recruiting market, and the recruit took the condition of a soldier with a guinea to make it a wet bargain. Afterwards by the limit of time in the obligation to find a substitute in one's own district, the price was increased to government all over the country, in so much that ten guineas were given in the American war. Then a remedy was adopted similar to that which our farriers applied to horses legs, till the veterinary college taught us better, giving temporary relief, but causing the complaint to relapse with increased force. Thus our state farriers, when the amount of the militia rendered the regular recruiting so dear, expected to relieve us by giving us more militia. In 1772 officers were threatened to be dismissed the service if they gave so much as two guineas bounty. In 1782, after its vast rise in the American war, it was again reduced to three guineas and a half, and the whole of that was not given in money. In the following war, when the militia was formed as it were into a regular army, and few served who were not substitutes, the bounties became enormously high. Then came the pernicious system of raising men for rank, by which men who were only cornets, and even men who had never been in the army, were made colonels. In raising men the bounties were brought to such an excess that it was necessary to threaten with dismissal those who gave more than 15 guineas. Then the Scotch and Irish militia were instituted, and the latter was carried to the amount of 28,000. Next came the supplementary militia, and afterwards the provisional cavalry. This last was a thing of so short duration, that it had slipped his memory at first, but it had left effects not to be forgotten. It passed over the country like a blight (*A laugh*). It was like a hustle at a fair, which a man got through in a moment, and did not think of it afterwards, till he found he had lost his watch (*A laugh*). It was a pleasant conceit, to make every man ride another man's horse, till at length, when the men and horses were all brought together, no man knew how to mount, and so they all separated (*A loud laugh*). From the effects of all these proceedings, the

the bounty was raised to 70. or 80 guineas, and there was no reliance for an adequate and permanent supply after all. Then the establishment of the militia and the army of reserve to the amount of 140,000 men, entirely choked the regular and ordinary sources. It was an honourable colonel who was now absent (Colonel Craufurd), and the other gentlemen at that side of the house, who had given its beneficial qualities to this army of reserve act, so that whatever effect it had came from that side of the house, and he and his friends might say, like Dennis, "it is my thunder." Thus he had traced the mischief down from the American war. The ballot was a principle which must of necessity exhaust itself, and it must have been exhausted where a measure which was calculated to produce 50,000 men, could by no possibility be made to produce more than 37,000. Applying it further was like giving physic to a man whose stomach would not hold it, and who immediately vomited it off (*A laugh*). Then stopped the system of ballot which had been acted upon thirty-seven years, and which had produced a kind of force regarded as a precious elixir to be laid up in time of peace till it should be wanted in time of war. The ministers who had acted upon it till it stopped, were not, however, to be blamed. They had only tried a known and established principle as far as it could go. Having made the peace of Amiens, having suffered Bonaparte to overrun the continent, and having made war when this country could be nothing but a besieged island, that minister had recourse to this measure as the bow of Ulysses, which he made such use of that Adam Bell, and the other celebrated archers of old, were nothing to him (*A laugh*). At length the force was so spent, that nothing more could be done, and as soon as this great archer fired the arrow, it fell at his feet. The friends of the noble lord (Sidmouthe), however, cried *victoria*. They did not consider it, in the language of the turf, as a race won by a neck, though it seemed it was neck or nothing with him. The rider was thrown, and the horse came in. The noble lord called upon the clerk of the course to give judgment for him; but the person who held the stakes was called upon to give them into his hands; and having in the mean time been given into other hands, with a view to a different system, the noble lord now demanded them back, and was not satisfied to have them by halves (*loud and continued laughter*). Here the honourable gentleman expatiated on the absurdity of recruiting the army by the circuitous means of the army of reserve. The army of reserve supplied many recruits,

cruits, because it absorbed all the men of the country, and the additional bounties induced men to go the circuitous route into the army. To praise it on this account was just the same as if because all the members of the house came into it through the lobby, it should be said, what a wonderful place the lobby is, which supplies the house with all its members (*A loud laugh*). When the reserve ceases to furnish men, it was preserved as a vast engine no longer at work, but always to be regarded with astonishment. In the explanation of the powers of it, the greater digester or boiler was described as communicating with the parishes by means of an infinity of capillary tubes, and when it was asked why it did not communicate a large tube with the popular reservoir, no reason could be given, except that that was too simple, and unworthy of the ingenuity of the contrivers. There was, however, a talent for compulsion in that measure, for it compelled the parish officers to get the men from the parish. It was fire fire, burn stick stick, to make stick stick, to beat dog dog (*A loud laugh*). The parish officers, over whom the parish have no control, were to raise the men or levy the money from the parish; but that could no more have the effect of finding the men, than one could make the horse drink though he should take him to the water. It was, however, now given up. It was like a man of whom nobody spoke well, and of whom therefore it was unnecessary to speak ill. It was like Harlequin's horse, which had but one fault, and that was that it was dead (*A loud laugh*). It was perhaps unnecessary to follow it further, unless, indeed; the humane society may not have yet done with it, and the right honourable gentleman opposite may hope to revive it by some process (*A loud laugh*). If, however, the honourable gentleman would content himself with saying merely that it deserves to be revived, he would be satisfied. It was said the present measure (the additional force act), had not been successful, because the parish officers did not understand it so as to proceed to enforce it immediately. If it lay six weeks in their hands before they could understand it, much could not be expected from their sense of their duty under it. The bill passed on the 23d of June, and nothing was heard of it till the 13th of August, and then, when it was supposed to be ready to go off like a spinning jenny, like the machinery of a thousand looms, with a sound like that of an insect well known in Italy,

Saucis resonant arbustu cicadis,

not

not a sound was heard; it was *album silentium*. And now, when the account of its produce came out, it appeared it had yielded only 2300 men altogether; of whom only 613 were raised by the parish officers. Yet this was the system which was immediately to produce all we wanted, and to afford a continued and full supply to 60 battalions. In what situation was the country when the ballot failed altogether, and when no hope could be entertained of the measures brought forward to replace it? It was not only a present supply that we wanted, but the means of constantly keeping up that supply; 5000 men was the whole amount obtained by the staff recruiting. The rest was obtained from sources reprobated, not as unproductive, but as unfit to have recourse to, as exhausting the permanent hopes, like the savage who cut down the tree to get at the fruit. To pursue this system further, was to act like a man living on credit, and going on smoothly for a while, but obliged to shut his door as soon as the bills came in for payment. Were we to go back to the ballot? the gentleman who had tried it last had stuck to it while it could produce any thing; and now it was like a fallen minister, in company with whom nobody wished to be seen (*A laugh*). The present measure had gone far beyond the ballot, except that the parish officers were not compelled to act, as it was not determined how we should proceed. They could not get the men, and ministers were afraid to take the money. It might perhaps be resolved to take it from two or three parishes, to quicken the others, by whipping them, just as the ship captain compelled the dropsical man to mount the mast, saying his complaint was but the effect of indolence, till the fall of the poor man into the sea convinced him of the truth of his sickness by the loss of his life. Another complaint against this mode of recruiting was, that while it professed to keep the bounty below 20*l.* the crimps, who were generally employed, had the 14*l.* allowed by government, in addition to the 20*l.* making altogether 34*l.* for every man. Thus ingenuity came at length in aid of the zeal of the parish officers, and obtained some men at an increased bounty. He therefore considered the experiment as having completely failed; and here he might say, what he was sure the house would be glad he should, that his task was at an end. He had shewn, that as a means of improving our military system, this measure was abortive. In nine months an increase of 11,000 had been made in foreign corps. In the same period the losses at home

and

and abroad amounted to 16,000. . . Both these making 27,000 ought, and must have been supplied by other means; if these had not been resorted to. And if, on the whole, the increase had been equal to both these fifteen or sixteen thousand, it would have been for the consumption alone, all the rest would be derived from foreign sources.—Thus it appeared that only 5000 men had been gained for the general service in the first instance, and the remainder of the increase by measures which the hon. gentleman had reprobated, so that only one-third of the increase had been supplied by the means that had been employed. Some small addition had been made to the cavalry, but when it was considered how favourite a service that was, the supply was by no means such as it ought under proper encouragement. If the troops employed on colonial service, which were all set fast to answer the local demands, could not be detached, except, perhaps, on small expeditions; for no man could suppose that the troops in garrison at Gibraltar, &c. could be safely employed in that way; there would remain, including foreign troops (amounting to about 30,000); only 47,000 of British infantry for the purposes of internal defence, and for continental operations. These foreign troops, he admitted, were nearly as good as ours; and many of them were very much at home where they were quartered, but could not be looked upon in any other light than as fencibles, serving in Canada, New Brunswick, and other parts of the empire. The house would, however, think it odd that in these foreign corps were included 4 or 5,000 native troops of Ceylon. From what he had stated, it would be evident, that something more than the present measures was necessary to fill the vast vacancy in the army, and after having shewn what were our military prospects, he was satisfied that every body would agree in the necessity of resorting to the wisdom of parliament, for that something that was necessary to be done. In saying that it would be right to resort to the wisdom of parliament, no man, of course, could be supposed to mean his own wisdom; but the more he felt himself incapable, and the more he looked to others, as more competent to point out the measures that ought to be adopted, the more necessary it was to resort to the wisdom of parliament and of the nation. As, however, in the event of his motion being agreed to, he should feel it his duty to submit his sentiments on the subject in the committee which it was his intention to propose,

pose, he thought it would not be altogether out of place to state summarily the particular objects to which his observations would apply. Here he begged to disclaim all systems, his object being only to remove the obstructions which at present interfere with the regular supply of the army, and to restore our military establishment to the old way of recruiting it. He had already shewn from experience the ruinous effects of the system of ballot that had first created, and afterwards continued, the difficulties in keeping up the numbers of the army; and he was confident that the fault was with the government. Wherever difficulties and impediments were felt in any branch of the public service, it was *a priori* to be inferred that the fault lay with the government. He was aware, however, that no minister could, as had been boasted by Pompey the Great, raise an army by stamping his foot on the floor. The creation of an army would be a work of time. He was not, however, one of those who were apt to run into the opinion, that every thing that was wrong must result from the fault of government. The question might be divided into two parts, with respect to an army within our power to have, and out of our power to have. We might have an army to the extent which our situation and circumstances required, and he wished to know what should prevent us from obtaining as many men as should be necessary, just as well as in any commercial speculation. Make it an object with men to enter into the profession, and enough will be induced to join it. Extensive cotton factories had been established in this country within a few years back; at first the other manufactures had been affected, but they all soon settled into that state in which neither interfered with the other. If shoes were made of materials that would last but half the time of those now used, double the number of shoemakers would soon be found; so also if men had as many feet as cats have, a man would not go barefooted for want of shoemakers. There was no want of men to engage in unwholesome trades, to sink into the mines of Cornwall or Lancashire; neither would there be any want of men in the army, though some stations were unwholesome. If government, which was the trader in the commodity, should make the profession of a soldier desirable, they might be secure of a supply. There were many countries where religious scruples interfere with the profession of a soldier, such as amongst the casts of a certain description in the east, and the quakers of Pennsylvania. But no impediment of that sort was to be apprehended by us. If we doubt-
bled

bled our number of ships, we could not fail to obtain men for them, nor were we less limited in our power of procuring than of maintaining soldiers. If we had failed in getting them, then the minister and his predecessor were to blame, but if a minister were his own predecessor, there was little to be expected from him. The first thing, therefore, he would recommend, would be to clear away all obstructions whatever, all the parish recruiting, all competition, which choaked up all the channels for supplying the army, and one step would be gained. He did not wish to get rid of the militia altogether, which as a home force he thought might still be kept up; and, odd as it might seem, he did not wish to part entirely with the ballot, because, in the present circumstances of the country, he did not think it wise to part with the means of keeping up so respectable a portion of our military force as the militia, and this, notwithstanding the tendency of all he had said to prove that obstructions to the recruiting of the regular army arose from the ballot. He had heard the facility of raising a force of one hundred thousand men within a short period boasted of, and much of the sacredness of the original militia; but it should be remembered, that there might be sacrilegious hands to break in on that militia that had been before broken in upon, and in a manner that had never been attempted to be justified but on the score of necessity. He therefore cautioned the militia colonels to beware of a similar attempt, the militia resembling the lamb entrusted to the care of the butcher, which would be no longer safe than the colonels would be able to protect it. The next thing that he would recommend would be, to clear away that profusion of military honours, which being diffused throughout the country, affected the feelings of honourable gentlemen of the profession, by taking from the respectability of their professional distinctions. The diffusion of these honours, however, did not take as much from the respectability of a military man as in other cases, because, take away his distinction from an officer and the respectability of his service will remain; whereas, in other cases, if you take away the distinction, which may have been the price of the support of a minister, or of the abandonment of every thing that could tender a man respectable, and nothing will remain. The first step, therefore, would be to clear away the brushwood, brambles, ivy, rubbish, and moss, and let in the air and light on this fair tree, and it would flourish apace. If, after having done so, the men could still not be procured, he should recommend

commend to recruit for a limited time, instead of for life. There were various other arrangements that would aid and co-operate with these. In a country where so much weight is attached to money, it was peculiarly desirable to render the situation of the subaltern officers comfortable, and to relieve them from those difficulties to which they were unavoidably reduced by struggles with poverty and a narrow purse. The next thing would be to make a total renunciation of drafting, which excited so great a horror in the minds of those entering into the service. The amelioration of the condition of subaltern officers, and the mitigation of the draft for the West India service, would go a great way towards removing the impediments to a respectable military establishment. The hon. member here submitted whether some regulation might not be made for the employment of the natives of the colonies, together with such a proportion of Europeans as would not be felt as a drain, shipped as heretofore without any previous preparation. He suggested the propriety of employing them gradually, first in the Bermudas, then Bahamas, or in Nova Scotia, till their constitutions should be prepared for the climate, and then to give them the benefit of a rotation. This, together with the employment of the black troops, might in time take off the terrors of the colonial service. Another point to which he should refer, was the improvement of discipline, by removing all degrading punishments for trivial offences. The capital punishments might be continued, and they would have the effect of deterring from heinous offences, without being galling to the individual, who would be convinced, that if innocent he might defy them; as no man in this country felt any apprehension therefrom, because penal laws were formidable only to the guilty. He did not think that the pay of the soldiers ought to be increased; because the present pay being sufficient, that would only tend to impair discipline. But there were many other things that could be done to render the condition of a soldier more desirable. Part of his bounty might be kept back till the period of his discharge, and that would have the effect of making him a better soldier whilst he continued in the service, at the same time that he would serve with more alacrity, from the prospect of some provision at the termination of his service. Having summarily stated his sentiments, he hoped to be indulged in taking a brief view of the objections that were urged against them. One objection was this—it would be unconstitutional to keep up a large standing army, but that was an hereditary ob-

jection, and should give way to circumstances. Another objection was, that the danger was pressing, and we had not time to take such measures as would require much consideration. This had been made the ground of all the bad measures that had been resorted to; and if bad measures were taken because the danger was pressing, then the danger would infallibly become every day more urgent. The hon. member here contended, that the present moment affording some relief from the urgency of the danger, was the most favourable for revising our military system, and making a general improvement therein. The right hon. gentleman then re-urged the propriety of recruiting for a limited time, which would diminish desertion, and not interfere, as objected, with discipline, because discipline would begin with the commencement and cease with the termination of a man's period of service. If limited service was inimical to discipline, then we had one hundred and forty thousand men without any discipline, the militia and army of reserve being raised for such term. Another topic that had been insisted on was, that the local influence of the parish officers and gentlemen would be exerted to procure recruits; but if the life service were to be abolished, and a limited service to be substituted, the gentlemen would exert themselves with tenfold zeal and effect. In adopting the measure of last session, they had set out with acknowledging that all they had been doing for thirty years had been of no avail, and what had been then offered had totally failed, and therefore it would be necessary to have recourse to something else, unless we were to be content with setting the continent to fight with our money, and to shut ourselves up in our island, like a tortoise in his shell. The right hon. gentleman concluded by moving, "that it be referred to a committee to revise the several acts passed during the two last sessions of parliament, for the defence of the country, and to consider of such other measures as may be necessary to make that defence more complete and permanent."

On the question being put,

Mr. Canning said, however he might differ from the arguments and sentiments that had been stated by his right hon. friend, he did not differ with him as to the grounds upon which he proposed the motion that had been just submitted to the house. In adverting to those arguments, he should abstain from having recourse to those common places which his right hon. friend had deprecated; as he should not be

be disposed to dispute the propriety of the measure he proposed for a parliamentary inquiry, if the case existed which he supposed, either that government had not done any thing, or had done very little, for the defence of the country, and the improvement of its military means. In those principles he agreed; he only differed in the application. Before he should proceed, however, it was necessary to set himself right with his right hon. friend, because of the indignation and astonishment which he supposed him prepared to feel, on finding any person declare himself an advocate for the bill of last session. He was prepared to justify that measure, though he should not contend that it had succeeded to the full extent that had been expected; but this was not the proper time to pronounce to what degree it had failed. He begged to remind the hon. gentleman that the bill had two objects, one to raise a large present force, and the other to become the source of a permanent supply for the army. This latter object had not been yet tried, and until that should be done, it could not be fairly decided that the measure had failed. The latter object was by much the most important one, and that which had induced many gentlemen, who felt dissatisfied with some of the details of the measure, to agree to it. That part of it which related to the permanent force had not yet been tried, the measure having had its operation hitherto confined to raising the immediate force, and filling up those vacancies which previously existed. What then did he infer from this? That they should try the merits of the measure, not from its effect in the first case, but on its success with respect to the more important object. The operation of the bill commenced for filling up existing vacancies in districts that had been before exhausted of means by the army of reserve and the militia, and, because it had not succeeded in such districts, he contended that it was not fair to conclude that it had failed in its diffusive operation all over the kingdom. He did not insist on this as a conclusive argument, but he looked upon it as a sufficient one against those who dwelt on the total and general failure of the measure. It had been urged that it neither had succeeded in filling up the vacancies, nor in procuring a permanent supply for the army; but he should refer gentlemen to the effect of the measure which this had succeeded, and in whose place it stood, he meant the army of reserve, and they would find that it had yielded ten thousand men this year for the army. Did that prove that the hope of a supply from such a measure

fure was visionary, and ought to be abandoned? Were there not other reasons also to shew that it ought not to be given up? When they looked to the circumstances of the country, exhausted of men by the army of reserve and the supplementary militia, there could be no surprise felt at this measure not having had immediate and complete success. There was another difficulty to its operation which had arisen from the opposition that had been made to the measure last session, and the report that an effort would be made to obtain the repeal of it early in the present. These circumstances had thrown a damp in a great measure on the zeal that would have been exerted in carrying provisions into effect, which might afterwards turn out to be nugatory. But it was not alone in this general principle that exertions were slackened, but experience also concurred to the same end. In execution of the army of reserve act, penalties had been incurred for deficiencies which had not been levied, and the parishes might have had an expectation of escaping in the same manner. Here there was an example of penalties incurred and not exacted, and the expectation of the repeal of the measure, though he could not allow the expectation to have been just; and he would ask any man, whether, with such expectations, there had been a fair chance for obtaining that exercise of zeal, of local influence, and personal exertion; whether the measure had had a fair trial, and whether the country did not require the defeat of the motion submitted that night, in order to give the measure a fair and impartial trial? Another reason his right hon. friend had assigned in support of his motion, was founded on the variety of opinions that had been stated in the different discussions on this subject in that house. Undoubtedly the public looked with considerable interest to the discussions in that house, and to the opinions urged in them, and to none with more respect than to those of his right hon. friend. But it was rather curious to make the number of various opinions and various measures that had originated in that house, an argument for repealing this measure, in order to shew that they had come to some steady and consistent system at last. If the measure were even less unexceptionable than it really is, and not as likely to answer the end for which it was intended, as he maintained it was, he insisted, that instead of repealing it, it ought to have a fair trial, and not precipitately, or prematurely, receive its condemnation. With respect to the merits of the bill, it appeared to him

calculated

calculated to produce an effect which his right hon. friend had frequently dwelt on during last session, and had that night more particularly and directly adverted to. Let the army alone, said his right hon. friend, and it will get on: His right hon. friend would not deny that this measure had the merit of doing away the high bounties, of doing away the competition, especially as since the failure of the parish officers the men had been recruited by the regular officers of the crown. But his right hon. friend was not to be satisfied with any mode of recruiting, unless it was conducted all in one way and for one description of force, for until he had reached nearly the end of his speech, the only inference that could be drawn from all the preceding points of it was; that he would allow of no species of force but regulars. In the close of his speech, however, he seemed to have kept one remnant for the militia. Had he not found to what purpose his right hon. friend had turned this concession by the appeal he had made to the feelings of the militia colonels, he should have given him credit for an honourable and praiseworthy attachment to that constitutional force. Had his hon. friend recommended the extinction of the militia force, he could not have had the opportunity for his appeal to the militia colonels; but in proposing to continue the militia on its original establishment of forty thousand, and to raise that number still by the ballot, he seemed by his appeal to the colonels to have made his statement for his conclusions, not his conclusions from his statement. As to the argument of his right hon. friend, with respect to the policy of such a mixed force as that proposed to be raised by the bill, it appeared weak in principle, inconclusive in reasoning, and dangerous in tendency. If on the conclusion of war; our regular force were to be reduced to the peace establishment, which alone the constitution of this free country could have sanctioned, he would ask his right hon. friend, how we were, on the breaking out of a fresh war, to raise such a force as he was sure his right hon. friend would be as anxious to have as any other member of that house, a force capable of being employed with effect for the annoyance of the enemy? What alternative was there to chuse, but whether a large standing army should be kept up, or a force of the description of that proposed to be raised by this bill? Neither the country nor the house would consent to the former; and, in proof of this, he could refer to those arguments that had been so frequently repeated in that house, of the danger

danger of having the liberties and the constitution of the country subverted, by having a large standing army at the disposal of government. There was no alternative, therefore, but to obtain a force that might take the place of the army without offence to the constitution. Of such a force there were two descriptions: the militia, of which we had experience of half a century, or such a force as should be limited in service like the militia, but being officered by regular officers, should approach more nearly to the quality of regulars, and be a nursery for the supply of the army. He agreed that the militia ought not to be carried beyond a certain extent, not because it could not be kept up to that extent, but because it was ascertained, that it could not be maintained in that extent consistently with the principles of its original institution. If you vary from the original mode with respect to officers, you may vary still more, so as to render the force more perfect, and to bring it nearer to the discipline and condition of a regular force, which would be the same as a standing army. But his right hon. friend, after stating his objections to the bill, had proceeded to detail fairly the alterations and the improvements in the military system which he proposed to submit to the committee. His leading principle of objection was to the variety of force on foot; but he could not himself see on the face of it what objection there could be to variety. If a pure monarchy were to exist in any country with a population purely agricultural, unmixed with commercial pursuits, there would be no difficulty in obtaining a large army, augmentable and reducible in a short period. But the same does not take place in a country where manufacture and commerce have made extensive progress. Did it follow, he asked, that if we should not get the whole number we wanted in the way most desirable, we should throw the remainder away as dross or useless? Did it follow that because the whole number could not be procured of that description for which his right hon. friend had a great fondness and anxiety, that we should not march such a proportion of our population who might enter into the disposable force, whose absence would not be felt nor lamented, and leave the protection of their districts to those who remained in the more limited force? If the militia could be carried to the extent necessary, then his right hon. friend would object that they had tried the militia, and had found it impossible to keep it to the extent to which it had been carried consistently with the principles of its institution.

Was

Was there any thing absurd, surprising, or mischievous, in the arrangement for employing men whose occupations prevented them from engaging in the disposable force at home, and thereby setting free so much of the disposable force to be employed abroad? A great objection to this levy was, that it professed to raise the men first for limited service, and afterwards to leave them free to enter into the regulars. If he understood rightly what his right hon. friend had urged on a former occasion, (but not having been present, he could not of course speak with certainty) his right hon. friend, when the army of reserve act was under consideration, had recommended to allow the men to enlist from it into the line. For himself he could not discover what the absurdity was in supposing that the men would be induced to enter for unlimited service in the first instance; and that afterwards, from the force of acquired habits, the influence of example, and attachment to their officers, they might be induced to take the second step. His right hon. friend had argued, that a limitation of time would operate as a strong temptation to them to enter even for general service; but was not there equal reason to suppose, that a limitation of place would also operate as a temptation? He could not conceive why the first limitation should act as a direct temptation, and the other in the inverse ratio. If either was to have any effect, both combined must have a greater, for it could not be supposed that both together should fail when one was irresistible. With respect to the limitation of the time of service, there were many different opinions; and he should not venture to hazard any, though he could not admit, that it was a subject which would be productive of little difficulties in the detail in the committee. Any body might see that a great variety of difficulties would occur. If the change were to be made in time of war, and the condition to be extended to all at present serving, would not the offer be a boon to one, whilst it would be a mischief or a punishment to another? But should they begin from the present moment, how were they to proceed? Were the new levies to be incorporated with the old battalions; what a source of disquietude, heart-burnings, and dissatisfaction! were they to be disposed of in separate battalions; then they would come to the present bill, and do that precisely which it professed. He had no hesitation in saying that the idea of a colonial army met his approbation, without exception even of the black corps. But any body who looked to the population of

of the colonies must perceive that it was impossible there to supply the army, and it would therefore be necessary to recruit it in Europe. Mark the consequences of restricting the army from service in her colonies. Would the other powers of Europe follow the example? Supposing the army of St. Domingo to attack Jamaica, would it be wise to tie up the disposable force of this country in Europe, and suffer one of the most valuable of its possessions to be destroyed? As to the other parts of his right hon. friend's speech, without any intention of disrespect to him, he did not think them of much importance. There was one point, however, which he begged to touch upon, and on which he did not differ from his right hon. friend, namely, the plan of taking aid for the regular force from the militia in the reduction of them proposed. He felt less reluctance in adverting to this topic, inasmuch as the public mind was in some degree prepared to expect it, and he had reason to believe that the measure was in the contemplation of his majesty's government. If his right hon. friend should be surprised at his opposing his motion for going into the committee, he should ask him, whether he thought the state of the country was in such immediate danger, or so little prepared to meet that danger, as that he could not be justified in opposing his motion? His right hon. friend had stated but a single result from the papers on the table, and that was, that the army within the last year had been increased but 12,000 men. Perhaps it might be for the satisfaction of the house to state a view of the whole military force of the country. The total of the disposable force on the 1st of January, 1804, was 143,261; on the 1st of January, 1805, 154,000; the whole of our limited force at the former date, 27,800, at the latter 20,747. Deducting the limited force, which was included in the former aggregates, the whole of the disposable force was, on the 1st of January, 1804, 115,000; on the 1st of January, 1805, 135,000, making an increase of disposable force of from 18,000 to 20,000 men. The hon. member then proceeded through a variety of other combined statements, to shew the improved state of our military defence, the result of which was, that we had at present 12,000 disposable troops more than on the 1st of Jan. 1804, applicable to any purposes for which troops might be necessary. He then exultingly adverted to the numbers of our volunteer force, which he could never leave out of his consideration. We had upwards of 306,000 volunteers, that had

had withstood all the temptations of example, exhortation, and opposition. Of these 160,000 had been reported fit for service, not to go into the field against Austrian and Prussian troops, but fit for all the purposes for which they had been incorporated. Could we with such a force have any room for the gloomy representations frequently made? could more be expected from the nature and extent of the population of the country? If we wish for a criterion by which to estimate the military force of the country, let us look to the state of the different powers on the continent, let us look particularly to France, which, with a population of 36 millions, had an army not exceeding at any time five or six hundred thousand men; while in Great Britain, which contained but fifteen millions, the regular force amounted to three hundred thousand men, besides those to whom the domestic defence was entrusted, as also seventy thousand militia, and three hundred thousand volunteers. It was impossible for any man who fairly examined the situation in which we at present stood, and compared it with that of last year, to refrain from allowing that it was greatly improved. Could such a man be found, he would ask him, was it nothing to have added, as we had done, to the strength of those fleets whose peculiar province it was to protect us from the execution of the menaces of the invader? Was it nothing to have succeeded so completely in the blockade of the enemy's flotilla, that instead of venturing on the ocean to attack us, it was with difficulty that it could be slowly moved along the coast from one port to another? What would the enemy have said, had we acted in the manner they have done; had we in the first instance prepared an extensive armament for the express and avowed purpose of invading their shores, then allowed it to be insulted at least, if not injured, by the assaults of hostile squadrons, and concluded by sending a flag of truce to the very parties to whom we had denounced destruction? With what exultation would they have then exclaimed, "Such were your threats, and such has been your execution!" With regard to many of the suggestions which his right hon. friend had thrown out relative to the improvement of the state of the army, he had only to lament, and this he did with the utmost sincerity, that he had not the advantage of official situation to put them into practice; he was convinced that government would hear with attention, and adopt with alacrity any of those suggestions, the propriety of which

was obvious. He must repeat what he had said on the measure which was the object of his right hon. friend's motion. The principle of that measure could not be said to have failed, for only the first and the last part of it had been put in execution. It would be a strange, and surely a very contradictory mode of proving to the country the stability of our councils, to abandon a plan to which we had not yet given a fair trial; this would rather be a new mark of fluctuation and uncertainty. If what he had asserted was true, if there was nothing in the present situation of our affairs that could justify in us either precipitation or despondency; but if, on the contrary, the measure under consideration contained in it the seeds of a permanent system, which would ultimately put us in possession of a disposable force greater than any one we had yet had at our command, he then thought his right hon. friend had not made out a case sufficiently strong to induce the house to go into the committee he required.

Mr. Windham, in explanation, observed, that he did not propose totally to exclude troops immediately from England from service in the West Indies, but to render the number as small as possible.

Sir W. Young endeavoured to invalidate the statements of the right hon. gentleman (*Mr. Canning*) with regard to the increase in the different descriptions of our military force; he contended that since the commencement of the year 1804, there was a decrease of 852 men in the British infantry, although he allowed that in Great Britain and Ireland there was an increased disposable force since that period, of above six thousand six hundred men.

The question being loudly called for, on a division there appeared

For Mr. Windham's motion	-	96
Against it	- - -	242
		<hr/>
Majority	- -	146

Adjourned.

HOUSE OF LORDS.

FRIDAY, FEBRUARY 22.

The royal assent was notified by commission to the Irish habeas corpus suspension bill; the three millions exchequer bills.

bills' bill; the coal factors' indemnity bill; and some other public and several private bills.—The commissioners were the Lord Chancellor, the Duke of Montrose, and Lord Walsingham.

The bills on the table were forwarded in their respective stages.

Lord Auckland moved, that there be laid before the house an account of the receipts of the post-office for the year 1804.—Ordered.

Several bills were brought up from the Commons and read a first time.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 22.

A message from the Lords acquainted the house that their lordships had agreed without any amendment to the Irish habeas corpus suspension bill, and to the coal factors' indemnity bill.

Sir J. Anderson presented a petition from certain persons interested in the trade of the port of London, stating the increase of that trade, and praying for leave to bring in a bill for forming a tunnel under the Thames to facilitate the operations of commerce.—Referred to a committee.

After a few remarks relative to the revenues of the Isle of Man, Mr. Creevey moved, that accounts be laid before the house of the application of the surplus revenue of the Isle of Man, between the 5th of January 1793, and the 5th of January 1804.

The quarantine bill was read a third time and passed.

On the motion of Mr. Huskisson, the loan bill, and the postage duty bill, were read a second time, and ordered to be committed on Monday.

Sir Robert Lawley wished to move for certain returns of the expence attending the volunteer force to be laid before the house; but on the suggestion of Mr. Sturges Bourne, who at the same time that he avowed the utmost readiness on the part of government to communicate every possible information on the subject, yet remarked that as the motion was of a novel description it might require some consideration, he contented himself with giving notice of a motion for Monday.

In the committee of ways and means, Mr. Huskisson introduced a clause in the horse duty bill, correcting a clerical error,

error, by which 7s. had been inserted instead of 7s. 6d. as the additional tax on horses now paying 12s. 6d. The clause was agreed to, the house resumed, and the report was ordered to be received on Monday.

On the motion of Mr. Giles, it was ordered that there be laid before the house, a copy of the apportionment by the Privy Council of the 9000 men enlisted from the army of reserve for general service.

A person from the office of the commissioners for the affairs of India presented the papers moved for by Mr. Francis.

Mr. Latouche gave notice, that on Monday he would move for an account of the money expended in the purchasing of grounds surrounding the castle of Dublin.

Sir W. Burroughs said, that there appeared to him to be an omission in the papers on the table, relative to Sir Home Popham, and gave notice that he should on Monday next move that there be laid before the house, a copy of all examinations before the commissioners of naval inquiry, on the subject of the squadron under the command of Sir Home Popham in the Red Sea.

Mr. Canning had heard that the papers which had been sent by the admiralty to the navy board, and by them stated to have been returned, were in the possession of the navy board at the time the subject was agitated in that house. This appeared so extraordinary, that he could scarcely believe it; and he gave notice, that on Tuesday he would move for an account of the date of these papers, and of the date of their return, together with a copy of any report made by the navy board to the admiralty on the subject.

Mr. J. Fitzgerald having stated, that the order of the house made last session, for laying on the table accounts of all salaries and compensations granted in Ireland, from January 1799, to June 1804, specifying the persons and periods; and of all salaries to the director-general, &c. had not been complied with, moved that it be forthwith enforced.—Ordered.

On the motion of Mr. Calcraft, the returns of the number of officers and non-commissioned officers attached to the office of the inspector-general of recruits, with their expences, &c. were ordered to be printed.

Mr. Kinnaird gave notice of a motion on Tuesday for several papers concerning David Ewing Barclay, late master's mate of the Romney. They consisted of accounts of

of his service in the navy, of the R's that had been attached to his name in the ship's books, with the dates when they were taken off, and a copy of an order of the admiralty for turning over to different ships the petty officers and men of the *Romney*.

Some delay taking place in the proceedings, on account of the non-appearance of the Chancellor of the Exchequer, who was expected—

Mr. Fox expressed his opinion, that it was unworthy the dignity of that house to wait for any individual, particularly as there were several members of administration then on the bench opposite to him. He therefore urged the reading of the orders of the day, and it would then be in the power of any member, if it were deemed convenient to do so, to move for their postponement.

The order of the day for a committee on the mutiny bill was accordingly read; and on the motion of Sir R. Buxton, who said, that he understood some alteration was intended to be made in it, the committee was deferred till Tuesday.

On the motion of Mr. Huskisson, the second reading of the horse duty bill was likewise postponed to Tuesday.

The committees of supply and of ways and means were ordered for Monday.

A message from the Lords required the attendance of the House of Commons to hear the commission read for giving the royal assent to sundry public and private bills.—The Speaker and a number of members accordingly attended, and on their return the house adjourned to Monday.

HOUSE OF LORDS.

MONDAY, FEBRUARY 25.

Mr. Romilly and Mr. Alexander were heard for the respondents, and Mr. Adam in reply for the appellants in the Scotch appeal, *Bannerman against Bannerman*. Judgment was postponed till next day.

A bill for naturalizing John Anthonie, a native of China, who has been many years resident in this country, was read a second time.

A gentleman from the Bank presented an account of the amount of Bank of England notes in circulation on the 15th of each month during the last year, distinguishing those under 5l. Ordered to lie on the table.—Adjourned.

HOUSE

HOUSE OF COMMONS.

MONDAY, FEBRUARY 25.

A petition was presented from the lord provost and town council of Edinburgh, praying the house to take the state of the police of that city into their consideration. The petition was ordered to be referred to a committee to consider the subject matter thereof, and report the same to the house.

Sir Charles Ross presented a bill for the building of bridges, and making of roads in the highlands of Scotland.—Read a first, and ordered to be read a second time.

A message from the upper house stated that their lordships had agreed to the loyalty loan bill, and the Greenland whale fishery bill, without any amendments.

Lord Marsham reported from the Middlesex election committee, that Mr. Duncombe, a member of the said committee, had been absent that day; but the report added, that the committee understood that the hon. member's non-attendance was occasioned by the death of one of his family.

William Arnold, servant to the member alluded to, was called to the bar, and verified the fact on oath, that the Countess of Dartmouth, the mother of his mistress, had died that day.

As soon as the witness had withdrawn, an order of the house was made that Mr. Duncombe should be excused for his non-attendance that day, and that he should be discharged from all future attendance on the said committee.

Mr. Creevey gave notice that he would the next day move that the order for the consideration of the Middlesex election petition, which stood for Thursday, should be discharged, and that a new order should be made for the last day of April.

Mr. Egerton presented a petition from certain manufacturers in the town of Stockport, respecting the corn act, praying relief.—Ordered to lie on the table.

Mr. Meheux, from the commissioners for the affairs of India, presented the papers which had been ordered on a former day relative to the intended establishment at the Prince of Wales's island.—Ordered to be printed.

On the motion of Lord Dunlop, it was ordered that a statement should be given in to the house of the expence of building the Bombay frigate and the ship Cornwallis at Bombay.

Sir

Sir Robert Lawley, pursuant to previous notice, moved for the production of a statement of the expence incurred by the volunteer service in Great Britain, from the 1st of June 1803, to the 1st of January 1805; and also of the different exemptions from payment of the hair powder and horse duty in consequence of the said service.

Mr. Huskisson had not the least objection to the statements being furnished which the hon. gentleman had moved for; but he believed there was a part of the object of that motion which it would be very difficult to ascertain; in the usual course of business the officers engaged in the collection of any duty felt it incumbent on them to keep a regular account of all the money they received, and by whom each sum was paid; but he did not think that it was in their power to ascertain with an equal degree of precision what number of exemptions had taken place, or who was exempted from the payment of the duty.

Sir Robert Lawley reminded the hon. member that there was a clause in the assessed tax act which orders that in the first instance a return should be made of every person who would otherwise be taxed, although he had a right to be subsequently exempted.

The papers were then ordered to be laid before the house.

Mr. John Latouche moved that there be laid before the house a return of all contracts or agreements which had been entered into since the 23d of July 1803, for the purchase of ground near the castle of Dublin.—Ordered.

Mr. Alexander brought up the report of the committee of ways and means. The resolution for imposing an additional duty of 7s. 6d. on every horse employed in purposes of husbandry was read and agreed to, and the sum ordered to be inserted in the bill.

Mr. Huskisson presented copies of all the correspondence which has taken place between his majesty's secretary of state, and the governors or civil officers of his majesty's colonies in the West Indies, on the subject of the abolition of the slave trade.—Ordered to lie on the table.

The house then went into a committee on the bill for raising the sum of twenty-two millions by way of loan for the service of the year. The resolutions were agreed to without any amendment.

The house having resumed, the report was ordered to be received the next day.

The

The right hon. the Speaker gave notice that there was a ballot fixed for the next day, and informed the house that he should take the chair at half past three, and count the house precisely at four as usual.

The house resolved itself into a committee on the bill for laying an additional duty on the postage of letters.

In the committee there was some conversation on the subject of members being charged for letters when they came through the twopenny post; but there was not any alteration made in the bill in consequence of what was said, and the bill was ordered to be reported the next day.

The committees of ways and means and supply were put off to Wednesday next.

The distribution paper for the year 1804 was ordered to be printed.—Adjourned.

HOUSE OF LORDS.

TUESDAY, FEBRUARY 26.

The Lord Chancellor postponed the judgment in the Scotch appeal, Bannerman against Bannerman, till Thursday.

On his lordship's motion, the judgment of the court of session, in the appeal Hamilton against Geddes, was affirmed, but without costs, as a proof that their lordships disapproved of such loose proceedings as those which had been adopted by the court below.

Lord Scarfdale took the oaths and his seat.

A bill for naturalizing the Rev. James Samuel Pons, late acting garrison chaplain at Tobago, was read a second time.

Lord King gave notice, that he should on Thursday se'n-night submit to their lordships a motion for a committee of the whole house to inquire into the state of the military establishments of the country.—Adjourned till Thursday.

HOUSE OF COMMONS.

TUESDAY, FEBRUARY 26.

A ballot being appointed for a committee to try the merits of the petition of certain electors of Knareborough, the Speaker proceeded to count the members at four o'clock; but there being only 89 present, the house adjourned till the next day.

HOUSE

HOUSE OF COMMONS.

WEDNESDAY, FEBRUARY 27.

At the usual hour the Speaker counted the house; and a sufficient number of members being present to proceed to a ballot, a select committee was appointed for trying and determining the merits of the petition complaining of an undue return for the borough of Knareborough, in the county of York.

A petition was presented from Robert Bowyer, Esq. proprietor of the historic gallery in Pall Mall, praying, on account of the circumstances therein stated, for leave to dispose of his collection of paintings, drawings, engravings, &c. Referred to the consideration of a committee, who were ordered to report thereon.

A petition on behalf of the board of agriculture, praying for a further annual parliamentary grant, was presented, and ordered to lie on the table.

Several accounts relating to the army were ordered to be laid before the house.

The consideration of the petition relating to the last election for the county of Middlesex, which stood for the following day, was postponed till Thursday, the 25th of April.

The horse duties bill was read a second time, and committed for Friday, with an instruction to the committee to divide the same into two bills.

The adjourned debate, on the special report of the committee respecting the conduct of the sheriffs of Middlesex at the election in 1802, was ordered to be resumed on Friday.

A number of additional papers respecting Sir Home Popham were ordered.

The committee on the mutiny bill was deferred till the next day.

Petitions against the bill for the abolition of the slave trade were presented from the West India planters, &c. and from the agent of Jamaica, and ordered to lie on the table.

Mr. Foster laid before the house a variety of estimates of miscellaneous services in Ireland.

Ordered, that there be laid before the house an account of the amount of bank of England notes in circulation on the 15th of each month, from December 1802 to 15th February 1805, distinguishing those under 5l.

Mr. Huskisson presented the property additional duties bill; which was read a first time, and ordered to be read a second time the next day.

The loan bill was reported, and ordered to be read the third time the next day.

A petition from the master, wardens, and assistants of the company of bakers of the city of London was presented, praying that, on account of the advanced price of salt and other articles used in the baking trade, an addition may be made to the present allowance for making and baking of bread. Referred to a committee, to report thereon.

Mr. Dickinson presented certain papers respecting Spanish prisoners, ordered on a former day.

Petitions from the woollen manufacturers of the counties of York, Somerset, Gloucester, &c. were presented, praying that leave might be given to bring in a bill to amend and explain certain laws relating to the woollen manufacture.—Ordered to lie on the table.

The postage duties bill was reported, and ordered to be read the third time next day.

The committees of ways and means and of supply were postponed till Friday.—Adjourned.

HOUSE OF LORDS.

THURSDAY, FEBRUARY 28.

Several private bills were brought from the Commons.

The quarantine regulation bill went through a committee, and was reported without any amendment.

The committee of privileges on the Rous peerage was postponed till Thursday.

On the motion of the Lord Chancellor, the judgment of the court of session in Scotland, in the appeal Bannerman against Bannerman, was affirmed.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, FEBRUARY 28.

The sheriffs of London appeared at the bar, and presented a petition from the corporation, praying for leave to have a bill brought in to enable them to extend the limits of Smithfield market.—Ordered to lie on the table.

Colonel Stanley presented three different petitions from certain

certain manufacturers and other inhabitants of Lancashire, praying the repeal of the corn act of last sessions.

After an observation from the Secretary at War, that he did not believe the persons who complained in this instance felt any real grievance from the act alluded to, the petitions were ordered to lie on the table.

General Gascoyne presented petitions against the slave trade abolition bill, and praying to be heard by counsel against it, from the mayor and corporation, also from the merchants and other inhabitants of Liverpool, and also from the manufacturers and certain inhabitants of Birmingham.—Ordered to lie on the table.

On the motion of Mr. Byng, leave was given to bring in a bill for the repeal of the act of last sessions relative to the construction of a workhouse, &c. in the parish of Pancras.

The Chancellor of the Exchequer presented a petition from the master, wardens, and brethren of the Trinity House, relative to lastage and ballastage on the river Thames.—Ordered to lie on the table.

Sir W. Burroughs rose, pursuant to notice, to move for the production of an account from the sick and hurt office of the rations allowed to each man per diem on board our fleet in the Red Sea, while under the command of Admiral Blanket and Sir Home Popham respectively, according to the charges of the acting agents of that office; and also for a statement of the rates of exchange under which the bills drawn by those officers were negotiated. The motive to those motions the hon. gentleman stated to be, to put the house in possession of the comparatively unfavourable rate of exchange at which the bills of Sir Home Popham were negotiated, and thus to enable the house to come to a fair decision upon the real merits of the question respecting that gallant officer, which was intended for discussion.

The motions were agreed to.

Mr. J. Fitzgerald gave notice that he would the next day move for an account of the amount and expenditure of the civil list in Ireland, from the year 1792, up to the latest period at which the same could be made out. Also for an account of the produce of the taxes imposed upon Ireland in the course of the last sessions. Also for the production of such documents as should serve to shew the proportion of the general expences of the empire borne by Great Britain and Ireland.

The Chancellor of the Exchequer said that it was his intention,

tention, in the course of the sessions, & move for the appointment of a committee to investigate the accounts of the two countries upon the point to which the last notice of the hon. gentleman referred, and he imagined the hon. gentleman would not object to wait the result of that investigation.

THE ARMY.

On the motion, by the Secretary at War, for deferring the committee on the mutiny bill till next day,

General Fitzpatrick rose to state some propositions which he should feel it his duty to submit to the committee on this bill, and which were suggested by the observations of a right hon. friend of his (*Mr. Windham*), who was not then in his place. In order to add to the solemnity of courts martial, and to prevent the infliction as much as possible of those severe punishments which he knew were unfortunately necessary in some instances, although in many they were almost worse than death, he would propose, first, that the right of administering oaths should be extended to regimental courts martial, as well as to general courts martial, and also that some provision should be made to prevent any other than officers of some military experience from being at all on courts martial. This was a provision which he was aware was already strictly attended to in some regiments. But it was highly desirable to render it general, and with that view he would move that none but officers of a certain age should be put on courts martial, and that the president of a court martial should in no case be under 21 years of age. This regulation he thought necessary, although persons under that age might, in some cases, be competent, from military experience, to act as members of courts martial. To those points the right hon. gentleman felt it his duty to call the attention of the house, and he had no doubt, that should they meet the concurrence of the right hon. mover of the bill, they would be productive of the best effects upon the discipline and feelings of the army.

The motion was agreed to, and the bill was ordered to be committed for next day.

Ordered, on the motion of *Mr. Creevey*, that an account be laid before the house of the sums paid to the lords of the treasury by the executors of the late honourable *Keith Stewart*, in discharge of a debt of 41,461*l.* due by the deceased to the public, specifying the times at which such payments were respectively made.

SLAVE

SLAVE TRADE BILL.

Mr. Wilberforce rose to move the second reading of the bill for the abolition of the slave trade. 'The hon. member stated, that this measure had been so often discussed, the sense of parliament had been so frequently taken upon it, and that house had so decidedly expressed its opinion upon the subject in the course of the last sessions, that he felt it unnecessary to trespass upon the attention of the house on the present occasion; but reserved to himself the right of replying to any arguments that might be advanced against the motion he had the honour to submit.

The *Speaker* observed, that according to the custom of the house, none but a member originating a new motion had the right of general reply to any objections made against it, and therefore the hon. gentleman had no such right, but by courtesy.

General Gascoyne began by observing as to the difficulty of producing any thing new upon the subject; yet, although he could not offer any new thoughts, he could not reconcile it to his sense of duty to let the motion pass without a few observations. There were two points of view in which he considered this important question; first, whether the abolition of the trade was agreeable to wisdom and policy; and, secondly, whether, even if it were, this was the proper time for such an abolition to take place? As to the first point, enough had already been said respecting it, and he took it for granted that the hon. mover had nothing further to add on the score of inhumanity or cruelty to the negroes, or he would not have failed to bring it forward. But ever since the regulations enacted respecting the middle passage, &c. he was quite persuaded that the hon. mover could not find out one solitary instance of cruelty. That hon. member had nothing new with which to interest the feelings of the house, and therefore it was left to its cool judgment to decide the question. To that judgment then he would confidently appeal against this wild proposition. If the house should consent to abolish the trade, he would put it to the candour of gentlemen to consider whether, from the avidity with which the slaves were sought after, that valuable traffic would not fall into other hands. It was known, indeed, that there were not less, by the last accounts, than five American ships of large burthen taking in slaves on the coast of Africa; and to shew this and other important facts necessary to qualify the house to determine fairly, was the reason for wishing

wishing that evidence should be examined and counsel heard at the bar, as the petitions on the table requested. Among the mischiefs consequent upon the discussion of this measure, and which must inevitably follow its adoption, he stated the association that would naturally arise in the minds of the negroes between the abolition of the trade and their emancipation. Such an effect, he thought, must reasonably follow; and what claim, he would ask, could these negroes have to the rights of freedom in this country, who forfeited their liberty in their own native soil? In answer to the charge of kidnapping, which had been so often urged, and which no doubt would be repeated that night, he had only to state in proof of the improbability of such a practice, that several of the principal mercantile houses in this trade had fixed establishments on the coast of Africa, a thing which it was but reasonable to suppose never could have been attempted, had our merchants been guilty of a practice that must have rendered them peculiarly hateful to the natives, and perpetually apprehensive of their just resentment. If the trade were to be abolished, he could not conceive what was to become of the cultivation of our colonies; for no rational being could think that the present negro population of the islands was sufficient for such cultivation. That was too absurd to be imagined, and it was not less so, in his opinion, to maintain that it would be good policy, upon chimerical notions of humanity, to discard the experience of a century and a half. Would it be prudent, he would ask, to lay aside, merely in compliment to a speculative opinion, the system under which our colonies had so long prospered, and our revenue been so materially improved? Would it be prudent at this period, particularly when our colonies were so peculiarly circumstanced, with the recollection of the calamities so recently suffered in St. Domingo, in consequence of the operation of a similar procedure, and the proximity of that island to our colonies? That proximity was a circumstance from which more was to be apprehended than gentlemen were perhaps aware of. Symptoms of its effects had lately appeared in our islands, and had not a spirit of conspiracy among our negroes been detected in due time, it was dreadful to reflect upon what might have been the fate of the whites. Bonaparte had declared a particular solicitude with respect to the colonies; and should the French fleet have gone, as was much apprehended, to the West Indies, what hope could the enemy entertain of any material success

cess in that quarter, unless through the co-operation of the blacks, amongst whom the measure before the house was so well calculated to excite notions congenial to his views? Such notions it was reasonable to suppose, and it was obvious from experience, it would be improper to disseminate among men not in a state to comprehend and digest them. The recent events in France, afforded an awful example of the consequences of communicating liberty to men before they were fitted to receive it. What then was likely to follow from giving emancipation to the blacks, for which they would, in the event of this bill passing, very naturally look? Emancipation could not, from the grounds upon which this measure rested, be consistently refused. The principle upon which the whole fest went, who were warmest in supporting the motion before the house, as strongly pleaded for the one thing as the other. Whether that principle originated in a religious notion or from a wildness of imagination, he would not inquire; but it struck him as particularly singular, that his majesty's ministers should act upon it in this instance, after having very recently entered into a contract for 5000 slaves, for the purpose of converting them into an armed body for the use of the West India islands. If slaves were to be purchased at all, he could not see why not for civil as well as military purposes. The principle alleged by the advocates of the motion before the house, surely allowed of no exception; and with this measure in contemplation, it was a very strange policy in government to go into the market for the purchase of such a number of slaves. Most men out of doors, who were unconnected with the West India islands, and who had not much considered the subject, were in the habit of crying out for the abolition of the trade under discussion; but he would call upon such men to reflect upon the essential importance of this trade to the prosperity of our colonies, and the importance of those colonies to the revenue and strength of the empire, particularly at the present crisis, when it was so material that no part of that revenue or strength should be diminished. He requested the house and the country to consider what a number of our manufacturers, particularly in the cotton branch, which was at present in rather an unfavourable state, derived employment from the West India trade. If the bill before the house were adopted, he was sure he did not overrate when he stated that the effect would be to throw not less than 750,000 persons out

out of employment. This was a serious consideration, which, he trusted, would make a due impression upon the house. It had been intimated that some planters were anxious for the passing of this bill. Possibly there were, but if so, he should rather think them the owners of large plantations who had their full complement of slaves, and who might, therefore, be biased in their judgment, particularly as it was obvious that the immediate effect of this measure would be to extinguish the smaller planters. The opinion, therefore, of such persons was rather an object of suspicion. The hon. mover had observed that nothing new had offered since the last session on this subject. From this observation, it was evident that the hon. member had not seen the report of the assembly of Jamaica, for, in that very able report, there were many facts and arguments both new and forcible, against the adoption of the bill before the house. This report would, he trusted, have the effect of producing some change of sentiment among the members of that house and the people out of doors. To the arguments drawn from the disproportion of blacks to whites in the islands against any further importation of negroes, and of course in favour of this bill, he thought an answer easy. The general proportion at present throughout our large islands was 30 blacks to one white. It was obvious, therefore, that any danger that could arise from numbers already existed, and that a farther addition to that number in the ordinary progress of importation could not be contemplated as a serious ground of alarm. On the whole, much as he regretted the discussion of this measure at any time, his regret was particularly excited by the introduction of it at present. But, as it was introduced, it was his anxious wish that the opinion of the house should be decidedly expressed against it, in order that the minds of the planters should be set at ease, and that any fermentation should be prevented among the negroes. The hon. member concluded with moving an amendment, that the bill should be read a second time on that day six months.

The question being put from the chair, that the word "now" should stand part of the motion.

Mr. C. Brooke conceived that if the bill before the house were agreed to, the effect would be to throw the trade into the hands of our rivals and enemies, France and Spain, and also to induce the emigration of the greater part of our smaller planters to their colonies. The temptations held out

out to such persons, and to our merchants and mariners also, by the French government during the last peace, were well known, and such temptations must obviously derive increased influence at a future period from this measure should it pass into a law. As an evidence of the wish of the Spaniards to pursue this traffic, he could state that the ports of the island of Cuba had been thrown open to the ships of all nations, and that within the last year no less than eighty thousand slaves were imported into that single island. If the trade only shifted hands, what advantage, he would ask, could arise to the Africans from our quitting it? On the contrary, he contended that, on the score of humanity, the Africans were better treated in our colonies than they were in their native country, or were likely to be by any other nation.

Sir W. Young was astonished at the assertion by the hon. mover, that nothing new had occurred since the passing of the bill last session. Did the report of the committee of the house of assembly at Jamaica contain nothing new? He confessed that, in the mode in which the hon. gentleman had passed over this report, there was a disrespect very inconsistent with his former professions of regard for the colonies. The hon. gentleman seemed to wish the house to consider the precedent of last session, rather than the existing circumstances of the times. As to the number that divided on the bill at that period, it did not exceed 250. There were more than 400 remaining, who, he hoped, since that time, had considered the subject with attention, and were prepared to decide upon it, not on the abstract principle, but on the practical policy and expediency. That portion of the members afforded to the house by the union, and to whom the subject was then new, must now be familiar with it, and ready to express the judgment they have formed. His hon. friend who had just sat down had well stated, that we might quit the trade, but could not abolish it. As to the question of humanity, while we keep the trade in our own hands, we could regulate it; but with the trade we must abandon this power. The hon. baronet quoted several passages from Mr. Mungo Parke and Mr. Browne, to prove, that on the whole northern coast of Africa a system of warfare was pursued, and argued, that if the prisoners were not purchased by Europeans, they would be slaughtered by their conquerors. Those who were retained as slaves in Africa, were treated with the greatest cruelty: many of

them were compelled to work loaded with fetters, and it was an act of humanity to release them from this deplorable situation, by transporting them to our colonies. The report from the committee of general assembly at Jamaica, which perhaps the hon. gentleman had not even condescended to read, stated the emigration that the abolition of the slave trade must occasion among the smaller coffee planters, as likely to be productive of infinite danger to those who remained, by increasing, in a very great degree, the disproportion between the whites and the negroes; but the hon. gentleman, and those who espoused his measure, shut their eyes and their understanding to all representations of danger, and exclaimed "*Fiat justitia ruat cælum!*" The accounts that had been laid on the table of the imports and exports to and from the West Indies were very inaccurate. He knew that the imports from the West Indies from 1801 to 1804 exceeded 17 millions. The exports from Great Britain and Ireland were to an amount almost inconceivable. From Ireland alone, in the last year, 129 sail of ships, comprising 33,000 tons, had cleared outwards for the West Indies! It would be a dereliction of the awful trust reposed by the people in parliament, were they to hazard the immense revenue resulting from this trade, a revenue on which we principally depended for the support of our naval and military establishments.

Mr. Barham was bound to declare, that he retained the same sentiments on the subject as he expressed last year. What was desirable then, was now necessary. Divesting the affair of all extraneous matter, he divided it into four heads—the general policy, the practicability, the danger to the colonies, and the injustice to individuals. With regard to the policy, as we possessed the trade of the whole world, the loss of one single branch of our commerce was of less importance; it was desirable that we should rather contract our commercial concerns than extend them. As to the practicability, he had certainly once considered it as not easily practicable, but his opinion was altered. Few foreigners with large capitals would hazard them at this moment in speculations to the West Indies; St. Domingo would not serve as a depot for slaves, from which they might be smuggled into Jamaica. A wish to co-operate with us in the design had been manifested by several foreign powers, so that he had little doubt, were this bill passed, that the result would ultimately be the total abolition of the slave trade by every nation of Europe. Of the existence of danger

ger in such a measure he had always expressed his conviction, but though there was danger in the abolition of the trade, there was much more in the continuation of it. The fate of St. Domingo should be a serious warning to us on this head, and should deter us from adding daily to the number of blacks now in our islands: he spoke disinterestedly, for few estates were in greater want of additional slaves than his own. On a former occasion, he had suggested the sending of sepoy's from the East Indies to serve as troops in the West Indies; and he was not without hopes that this suggestion had attracted the notice of government. It appeared to him to be a mode happily calculated to remove a considerable part of the danger justly to be apprehended from the further increase of Africans. Mr. Barham concluded with making a few remarks on the unanimity of sentiment among the planters of the West Indies, of which so much had been said. Without meaning the slightest disrespect to those gentlemen, he must remind the house, that the interests of various classes of people materially affected their opinions; and it was not surprising that a set of merchants deprecated a measure which, in their belief, threatened to prevent further extension of their commerce.

General Tarleton should be unfit to hold his seat in that house, as well as ungrateful to his constituents, if he should not make every effort to defeat this bill. The trade of the city which he represented would be deeply affected by this measure. One hundred years ago the population of Liverpool did not exceed 2500; its shipping amounted to 100 barks, and its capital did not exceed 10,000*l*. At present that city had 5000 ships floating, and its seamen were as good as any in the empire. Its population was 80,000, and its capital of 10,000*l*. had been increased to as many millions, and all this improvement had arisen in a great measure from the slave trade. The agitation of the question of abolition of the slave trade had unfurled the standard of the rights of man, which had produced so many miseries to mankind. He did not impute to the hon. mover principles of jacobinism, though his measure was calculated to promote them. He had paid a visit of curiosity to Paris in 1791, and on his expressing to the Marquis de La Fayette a desire to attend one of the jacobin meetings, was informed that his person would not be safe there, as he had opposed the abolition of the slave trade; whereas if Mr. Wilberforce had been there, he would have received, in all probability, the fraternal

ternal bug from the president (*A laugh*), and, in fact, a diploma of jacobinism he believed had been sent to that hon. gentleman. He approved of the idea of employing 5000 negroes in arms, but could not see how they, who supported this measure, could reconcile such a scheme with it. On the whole, therefore, he should oppose the bill.

Mr. Fuller did not know how far the report of the contract for getting the 5000 negroes for soldiers was in the present instance well founded, but such a report had certainly prevailed on a former occasion. He thought that those who resided on the spot were the best judges of the propriety of the measure, and contended that the report of the committee of the house of assembly was a better authority than the assertion of any member. A strong reason in favour of the trade was, that the cultivation of coffee would require a considerable increase in the number of slaves, and that the produce of that article might be carried to the amount of 1,000,000l. sterling a year. The present population would not supply sufficient for the common management of the settlements. He complained that there was no clause in the bill for compensating any losses that would arise from the operation of the bill, and contended, that the hon. gentleman would not dare to interfere, in the case of a turnpike road or a canal, with any man's property in this country, without giving him first a full equivalent. Agents, he maintained, had the same right to consideration that the planters had. He did not impute any unworthy motives to the supporters of the bill; but he was convinced, that as the man who pretended to more courage than another had generally less, so he who pretended to more religion than others, was often the greatest cheat.

Mr. Hiley Addington had given more consideration to this subject than any other that had come under his observation in parliament, and yet his opinion remained unaltered. He was convinced that the measure was impracticable, and so far from promoting the interests of humanity, it would tend to deteriorate the condition of the Africans. Whatever popular odium might be attached to the avowal of his opinion, he could not avoid expressing it, whilst he admitted that he was not himself interested, nor had connexions interested in the consequences of the measure.

Sir William Pulteney spoke against the motion, which appeared to him to originate in that propensity to theories which so generally distinguished men of eloquence. He was

was not fond of such theories. He recollected many such which were recommended to that house by a great display of talent, and soon passed away. The Duke of Marlborough was admitted to be a great statesman; he was not, however, a man of eloquence, but he was much more—he was a man of prudence. He weighed all the circumstances of a case deliberately before he adopted it, and he was not to be dazzled by splendid theory. Now the contrary was in general the course of eloquent men. If they would follow the system of the Duke of Marlborough, he believed they would quickly abandon the project before the house, which, however specious and imposing the arguments in its favour, was pregnant with great mischief. When the war should cease, he would be glad to know why the African trade should not be pursued without interruption by France and Spain?

Mr. Sullivan stated that no such contract for five thousand blacks, as had been alluded to in the course of the debate, had been entered into by the late administration.

Mr. Fox would not have arisen upon the occasion, if it had not been for the kind of argument employed by the hon. baronet who spoke last but one. That hon. baronet, in his declamation against theory, had advanced something that had a truly paradoxical appearance indeed; for it went to this, that if a theory were ably and eloquently defended, that was an argument against it. Really, this resembled the outcry that, in the course of the revolution, prevailed in France against eloquence—when the shout was *ah l'eloquence*—when the favourite doctrine of the day was that no aristocracy was so odious as that of talent and eloquence. The hon. baronet had observed that some splendid theories had, in his recollection, notwithstanding the able manner in which they had been defended, been rejected by that house. In examining his memory it occurred to him that there certainly were some theories submitted to that house, which, although supported by argument, by eloquence, by fact and historical evidence, were yet rejected; not, however, as the hon. baronet's paradox would intimate, because they were well defended, but because as some, not judging as liberally as he did of men's motives, would say those theories were resisted by the power of private interest. With respect, however, to the measure before the house, its advocates were not supporting a mere theory, but grounded their defence of the measure upon this strong and alarming fact, which was stated by the honourable officer who opened the debate, that there

there was a proportion of thirty blacks to one white on our colonies. This one fact alone he considered of such a nature as should urge the house to put an immediate end to this no less dangerous than disgraceful traffic. As to its gradual abolition, this was a recommendation which he had heard urged frequently for the last twelve or thirteen years; but never observed any endeavour made by the gentlemen who urged it, to promote that gradual abolition. No, they never favoured the house with any project for that purpose; but still they kept the argument by them to make use of. With respect to the honourable baronet's remark on the probability that the slave trade could not be prevented by us, at the termination of the war, (which he joined with the hon. baronet in wishing to terminate as soon as it could with propriety) from falling into the hands of other nations; he would say, that he apprehended that there would be considerable difficulty in reviving this trade on the return of peace without the concurrence of Great Britain, if, acceding to the motion before the house, we should determine to abandon it at present. That motion, he trusted, would be agreed to—that the house would adhere to its former sentiment, and that the opinion of the house of commons, decidedly expressed, would be found to have that influence with respect to the fate of this measure, to which it was peculiarly entitled.

Mr. Huddleston deprecated the amendment. The dread of this odious traffic falling into the hands of other nations should have no weight with the house. Let it, he would say, fall into such hands, and let this country be exonerated from the disgrace attached to it. He reprobated, in strong terms, any argument against the motion drawn from expediency, or founded upon a mere pecuniary base, and appealed to the honour and character of the house, whether they would suffer such considerations to supersede the grand comprehensive principle upon which this measure was grounded. With regard to the produce of the West India colonies, particularly the article of sugar, it could be obtained in the East Indies, for instance, without such a sacrifice of humanity and justice as the slave trade involved. But even supposing such articles could not be had elsewhere, did it follow that the slave trade should be continued? Even supposing human blood should be pronounced, as it was by some, the best manure, did it follow that the blood of man should be shed for such a purpose; and was it not as well to bleed men to death at once, as to sweat the poor negroes to death in our colonies?

The

The *Chancellor of the Exchequer* denied that ever any contract had been made by government for the purchase of slaves, in Africa for military purposes, as the hon. gentleman who opened the debate stated. A proposition of such a nature had been transmitted to government from the West Indies, but government rejected it. The object of government the right hon. gentleman stated to be, to purchase the blacks out of slavery for the purpose of putting them into a military body.

General Gascoyne stated, that a proposition had been made from government to a merchant of Liverpool for the purchase of a number of the blacks alluded to, and he could tell the right hon. gentleman that whoever accepted the contract, the blacks would be purchased on the coast of Africa. Of course his original statement on this subject was not incorrect.

Mr. Wilberforce took a view of the different arguments which had been adduced against the bill, which he contended by no means bore on the question. If these gentlemen were serious in thinking his plan impracticable, as they alleged, why did they not bring forward some other, which, while it might in some measure accord with the principles of humanity, should not be so hurtful as they alleged the present bill would, to the interest of the West India planters? The time was, when the horrors of the middle passage were denied, and when the attempt to remedy the evils of it was regarded an impracticable theory, equally fraught with ruin to the West India colonies as the total abolition of the trade was now represented. Since the passing of those regulations, however, they were acknowledged to have been beneficial and advantageous, and not productive of any of the bad consequences which were then, as at present, prognosticated from its adoption. The accounts lately received from the West Indies shewed that the population was nearly kept up, and if the planters were induced, from regard to their own interest, to take care of the slaves, there was little doubt that, as had been found in America, they would double in 20 years; and the superiority of his plan to the present system would soon be as perceptibly felt as the advantages which were now acknowledged to have arisen from the regulations of the middle passage. If this could be doubted, he thought it sufficient, in proof of it, to cite the cases of the Maroons in Jamaica, and the Caribs in St. Vincent's. Let any person read the report of the Jamaica committee, and then say if there

there was any thing in the measure which he now recommended so prolific with danger, as that which at present impended over that island? Were they not, according to their own account, on the point of falling into the jaws of destruction? and was not the facility of purchasing slaves one of the greatest causes of it? The present system, he contended, was not more abhorrent to the principles of humanity than it was injurious to the interests of the planters themselves. When men, however, chose to act contrary to that unalterable rule of right, that honesty is the best policy, they would find, that however they might hasten to be rich, their precipitate ardour would lead them on to the vilest and most degrading state of poverty. One proof of this fact was demonstrable from the report to which he had alluded. The number of executions on the estates in that island for the last twenty years was 80,000, and the sum for which they were taken, amounted to 22,500,000l. sterling. He trusted, therefore, to the wisdom and humanity of the house to interfere, and to compel gentlemen engaged in this traffic to become sensible, not to the calls of humanity alone, but to their own interests. Gentlemen on the other side had alleged that nothing new had been brought forward in support of the abolition. If he had felt disposed, he certainly could have said much new on the subject, and he hoped in some future stage of the business to be able to state facts from the papers on the table which would tend much to open the eyes of the house to the nature of the slave trade, and to the state of the slaves in the West Indies. What he had all along contended and complained of was, that our slaves in the West Indies were kept in a state of utter degradation, below the level of the human species; that they were goaded on to their task not by the incentives of hope and reward, but as brutes, by the spur and whip of their driver; that they were deprived of the means of becoming objects of moral improvement; and that no attempt was made to bring them into domestic life, by which their numbers would certainly be kept up. Were marriage recommended among them, and were they allowed to taste somewhat of the sweets of domestic society, we should soon see them a contented and happy peasantry, instead of that degraded species of animals to which, through the treatment they experienced, they were at present reduced. That they had feelings, and could think and act like men was, he supposed, hardly disputed. Let, then, their feelings be awakened as feelings of gratitude and

com-

complacency, not of hatred and revenge. Sooner or later they would be aroused, and, if their situations were not ameliorated, what else could be expected, than that the first exertions of their power should be turned against their persecutors? An instance had been lately shewn that black men could feel, could conceive, and could execute what they planned as well as we could. Let us take care then, lest we carried our desire for gain, and for continuing an unjust and inhuman traffic, too far; but let us yield in time, before it be too late, to the voice of humanity and justice. He was conscious that gentlemen would say, that his arguments went the length of a total emancipation, not an abolition of the trade only. He confessed they did so; but at the same time, he must say, that that was an object beyond what he looked at at the present moment. He was clearly of opinion that a total emancipation, at once, would be impolitic and impracticable, and he would conceive the man as little better than mad who should propose it. The abolition of the trade would at present answer every end of humanity, as it would insure proper treatment and kindness to the slaves, and would open a door in numberless different ways for a gradual emancipation.

Lord Temple wished to be informed by the chancellor of the exchequer, if certain information which he had received was correct. It stated that so far from there being no contracts with West India merchants, there actually was at this moment a subsisting contract from government, certain to the extent of 5000, for the purpose of augmenting the West India black army; that 50l. or 60l. per man was the stipulated price, and, in fact, that, at this moment, certain merchants in Liverpool were, on the faith of such contract, fitting out ships for the purpose of completing it on their part.

The *Chancellor of the Exchequer* said that he had no knowledge of any such transaction.

The question was then called for, when the house divided,

For the amendment, "that the bill be read a second time this day six months,"

For the second reading "this day,"

77

70

Majority for the amendment

7

So that the bill was thrown out for the present session.

The other orders of the day were then gone through, and about ten o'clock the house adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 1.

The royal assent was given by commission to two public and one private bill. The public bills were, the loyalty loan and Greenland whale fishery bills.

The quarantine bill was read a third time, and sent back to the commons.

Some private bills were brought up from the commons, and read a first time.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 1.

Mr. Jekyll was sworn, and took his seat on his re-election after his appointment as solicitor general to the Prince of Wales.

The sheriffs of London presented a petition from the lord mayor, aldermen, &c. praying for leave to bring in a bill to amend the acts relating to the sale of coals in the city. This petition was referred to a committee.

Mr. Abercromby obtained leave to bring in a bill for the better regulating the police of Edinburgh; he also presented a petition from the magistrates of that city, praying leave to bring in a bill for extending their royalties. The petition was referred to a committee.

A message from the lords required the attendance of the house at their lordships' bar, when the royal assent was given by commission to the loyalty loan compensation bill, and the Greenland whale fishery bill. Another message notified their lordships' assent to the quarantine bill.

Mr. Thornton obtained leave to bring in a bill for raising a further sum of money for the improvement of the Hull docks.

Mr. P. Moore presented a petition from the journeymen calico printers of Lancashire, Cheshire, Derbyshire, Cumberland, Lanark, Renfrew, and other counties in England and Scotland, complaining of certain grievances to which they are subject in consequence of the conduct of their employers. The hon. member stated, that it was not his object at present to propose that the petition should be referred to a committee, but merely that it should lie on the table. It was indeed his hope and wish that the masters should agree to an amicable adjustment of their differences with the petitioners.

tioners. An hon. friend of his (Mr. Sheridan) had, in the course of the last session, called the attention of the house to this subject, and at that time expressed the same hope which he entertained at present. Although that hope of his hon. friend had not yet been gratified, still it was his wish, and that of the petitioners, to leave a further opening for such a settlement as might render any further proceeding upon this petition unnecessary. This he felt to be extremely desirable, and the petitioners felt it also; for nothing could be further from their wish than to prosecute any litigious discussion with the masters. If the masters would meet them with a congenial spirit, the matters to which the petition referred might, he was satisfied, be very easily settled in a friendly manner. Should no such settlement take place, he pledged himself actively to prosecute the object of the petition.

Mr. Sheridan was well acquainted with the nature of the case to which the petition presented by his hon. friend referred. It was a case of the highest importance to justice, and the interest of the petitioners, who were most severely aggrieved. He had thought it his duty to call the attention of the house to this subject in the course of last session, and he was very sorry to find that the amicable adjustment of the disputes between the journeymen and the masters, which he then looked for, had not taken place. To attain the fair object of the petitioners he pledged himself to use his utmost endeavours, and from the knowledge he had of their case, he could assure the house that it was on the score of justice, humanity, and national policy, well worthy their serious consideration.

The petition was ordered to lie on the table for the perusal of the members.

Lord Boyle brought in a bill for repairing certain roads in the counties of Cork and Limerick; read a first time and ordered to be read a second time.

Sir John Hill presented a petition from the retail importers of Londonderry, praying the repeal of the additional duty on their imports. He stated that the London merchants with whom these retail importers traded, were of the same opinion, as to the oppressive nature of the duty, and he conceived it but just that if the duty was continued, it should be extended to the larger imports. The petition was ordered to lie on the table.

Mr. Fox presented a petition from Lieutenant Robert Eyre,

3 E 2

formerly

formerly of his majesty's ship *Warrior*, praying compensation for a large amount of prize property, taken by him at the capture of the Dutch fort of Chinsura in 1781, and taken from him by an officer in the native troops of the East India company; since awarded to him on trial in the proper court, against the East India company, but not made good by the company. The petition was ordered to lie on the table.

A new writ was ordered for the election of a member for Honiton, in the room of George Shum, esq. deceased.

Mr. Huskisson moved that a return be presented of the number of recruits that have been raised for his majesty's service, from the 1st of January, 1804, to the 1st of February 1805, distinguishing the number that have been raised within each month.—Ordered.

The Secretary at War then brought up the account, and it was ordered to be laid on the table, and to be printed for the use of the members.

The house, on the motion of the Secretary at War, went into a committee on the mutiny bill. Several new clauses were added, and among those, one to prevent masters from having the power to take their apprentices out of the army after they had entered.

Mr. Grey observed, that this appeared to him a very extraordinary extension of power; but, if the service required it, as he supposed it did, he should not object to the clause being added to the bill.

General Fitzpatrick reminded the right hon. the secretary at war of the additional regulations of which he had spoken on Wednesday night: He was well convinced of the great advantage which would result from the adoption of the hints which he had thrown out, and therefore pressed it on the notice of the right hon. gentleman.

The Secretary at War entirely coincided with the gallant officer, and assured him, that the provisions to which he had alluded should be introduced in a future stage of the bill, with the permission of the house.

The bill then passed through the committee, and was ordered to be reported on Monday next.

SALT DUTY.

Mr. Huskisson brought in the bill for laying an additional duty on salt.

The first reading of the bill having been moved,

Lord W. Russell said, he conceived it his duty to declare his opposition to this tax in its very earliest stage. The article

article of salt entered largely into every article of provisions on which the poor subsisted; and when the condition of the poor was so lamentable as to render it necessary to set subscriptions on foot for their relief, the hardship of such a tax must be extreme. He would take occasion, in the future stages of the bill, to offer his sentiments more fully, and to take the sense of the house. He recommended to the consideration of gentlemen the report of the committee appointed to consider of the salt duty.

The bill was read a first time, and ordered to be read a second time on Monday.

Lord Archibald Hamilton put off from Monday till Monday se'nnight his intended motion relative to the circulating medium in Ireland.

IRISH AFFAIRS.

Mr. James Fitzgerald urged the propriety of adjusting the joint account between England and Ireland, in the settlement of which, though a committee had been appointed for the purpose in the last and the preceding session, no progress whatsoever had been made. Trusting that the right hon. gentleman opposite (the chancellor of the exchequer) would attend to this subject more effectually, he would abstain from calling the attention of the house to it, as he had intended, and content himself with moving for the several accounts relative to Ireland, of which he had given notice. He accordingly moved for an account of all payments on the civil list of Ireland from 1st Jan. 1801, distinguishing the classes, and specifying the savings or additions on each class, with the causes thereof; an account of all duties outstanding on bond or otherwise in Ireland; a return of all new taxes laid on in Ireland since January 1, 1801, and the produce of each up to January 5, 1805; an account of the stock in hand in Ireland on July 10, 1804, of teas, wine, sugar, malt, and home made spirits, with the amount of the additional duty; also an account of the increase of all duties in Ireland since Jan. 1, 1801. These accounts were ordered.

KNARESBOROUGH ELECTION.

Lord William Russell reported from the committee on the petition from the returning officers of Knaresborough, That the petition was not frivolous; that it appeared to the committee that the election had been prevented by the riots; that John Carr and James Collins, the returning officers, were prevented by the riots from doing their duty; and that several persons by them named were active in promoting the riots.

riots. The resolutions were entered, and the report ordered to be taken into further consideration on Tuesday se'nnight. Lord William Russell stated, that the counsel before the committee apprehended a renewal of the disgraceful scenes that had caused the complaint, if a new writ should be issued, before the house should take some measure on the report. The committee appeared to him to be of the same opinion, though they had not come to any resolution on the subject. He therefore moved that no new writ be issued for Knazresborough for a fortnight.

The *Chancellor of the Exchequer* thought the withholding of the writ too strong a measure, where there was no crime but a single riot, on which there was reason to suppose the committee would recommend no other proceeding than the punishment of the delinquents.

After a few words from Mr. Grey, in which he agreed with Lord W. Russell as to the sense of the committee on the suggestion of the counsel, though he coincided with the right hon. gentleman opposite as to the impropriety of withholding the writ on insufficient grounds, Lord W. Russell withdrew his motion.

HORSE TAX.

The *Chancellor of the Exchequer* said, it was his intention, on an early day, to ascertain the sentiments of the house on the additional horse tax. On considering the bill, he found it would not admit of the division he had at first proposed, with a view to separate that part to which there was no opposition from that which was objected to. The bill consisted only of regulations, and the additions were all contained in the schedule. The only way that remained of executing the proposed separation, was by filling up the schedule, so far as it related to horses kept for pleasure; and to form the charges on horses kept for agriculture, which was the part objected to, into a separate bill. He proposed that the house should then go into a committee, for the purpose of filling up the first part.

The house went into the committee, when the schedule was filled up so far, and the report ordered to be received on Monday.

COMMISSION OF NAVAL INQUIRY.

Mr. Giles, pursuant to the notice he had given some time since, rose to move for the continuance of the powers granted to the commissioners of naval inquiry. To those who were not in the house at the time when he put some questions to the

the gentlemen on the other side, whether they had any intention to prolong the commission, it was necessary for him to state, that he had put such questions, and had received no answer; and this was the cause of what might otherwise appear extraordinary, that the motion for the continuance was brought forward by him. Every person must admit, that the object of the commission, which was, to inquire into the irregularities and abuses connected with the navy, must be desirable. The persons appointed had, in the two years they had been in office, pursued the inquiry with an industry and integrity deserving the highest approbation; and their merit was established beyond the necessity of further proof, by the reports they had laid on the table of the house. At this moment they were still actively continuing their investigation, and they had yet much to do. The duration of the act, by which the commission held its powers, was uncertain. The act of the crown, which was but another term for the will and pleasure of a minister, might put an end to it in a moment, by proroguing parliament only for a day. The duration of the act was fixed, at its passing, for two years, from the 29th of December 1802, and to the end of the next ensuing session of parliament. If parliament had met, as in the usual course, before the 29th December, the act would have held in force for another year. It was probably in the contemplation of parliament, at the time of the enactment, to afford an opportunity for the renewal of the act, if it should be thought advisable, by allowing the whole of a session of parliament to make a motion to that effect, in addition to the greater part of the session in which the expiration was likely to take place. He made this motion thus early in the session, because the commission was issued by act of parliament, and if parliament should think it necessary to continue it, it may be on its guard to do so before the act of a minister would deprive it of the power. He was not disposed, in cases of this kind, to place much confidence in men. The change that had taken place in administration, though it had not produced much vigour, had introduced much boldness. Another reason why he put himself forward on this subject so early was, that ministers on the subject of the suspension of the habeas corpus act in Ireland, which they described as so necessary and important, had shewn so little vigilance as to render it unavoidable to break through the forms of the other house to hurry the bill through, before the

the expiration of that which it was to replace, and even then a day or two of adverse wind would have caused it to arrive too late. Here the hon. gentleman recited the objects which the commissioners were empowered to inquire into. The official departments of the navy were the principal. Of these the admiralty had not been yet attended to. The navy board was much considered in the sixth report, but not completely examined. The office of the treasurer of the navy was described in the last report laid on the table; the victualling board had not yet been in any way noticed; nor the office for sick and wounded seamen, the department of prisoners of war or the transport office, nor the office of inspector of naval works. Thus a great part of the task imposed on the commissioners of inquiry remained yet unexecuted. It was impossible that in the ordinary duration of the session this remnant of the proposed labour could be gone through before its close. Much inconvenience would result from its non-continuance, which he proposed to remedy by moving to continue it till the next session, when, if its further continuance was necessary, another motion of the same nature may be made. Those who supported the appointment of the commission were now called upon to vote for its continuance; and even those who opposed it, seeing the advantages that had resulted from the inquiry, were equally bound to give it full effect. The commission lately granted under the great seal, to consider what remedies should be adopted for the evils discovered by the commissioners of inquiry, proved that the navy board was not adequate to the inquiry, as it was formerly urged by some, for this late commission stated, that the navy board was too much occupied to undertake even the secondary supervision there specified. He thought it not quite respectful to the house to appoint, without any communication, those commissioners by royal authority, to act upon the reports of a commission appointed by parliament. The predecessor of the right hon. gentleman had said, it was intended to submit to parliament distinct propositions on the reports. The abandonment of this plan, and the institution of the new royal commission, he looked upon as disrespectful to parliament. If the motion for the continuation of the act was not assented to, it would be seen that there was in ministers a determination to resist reform. It was most notorious, that great abuses existed in all departments of the naval service; and those who made notoriety the ground for suspending the habeas corpus act, could not deny

deny it as a ground for the continuance of this commission. He therefore moved for leave to bring in a bill to continue the act appointing commissioners naval inquiry.

The *Chancellor of the Exchequer* did not rise to propose to the house not to continue the act, if its continuation should be necessary; but he did not think it necessary to vote its continuance before any occasion for that measure should appear. He did not hesitate to say, that the reports of the commissioners had been attended with much benefit, neither had he any difficulty in declaring that, if there was not sufficient time before the close of the session to terminate the investigation referred to them, their powers should be further continued. But it did not now appear that the remainder of the session would not afford sufficient time. On the review taken by the hon. and learned gentleman himself of the subjects proposed for inquiry, only one of any great importance remained uninvestigated, that was the victualling department; the transport department and the others were of inferior importance. He saw no reason, however, to suppose that the commissioners may not be prepared to make their report of the victualling office now, nor that they had not at intervals turned their attention to the other remaining subjects of inquiry, on which no report had yet been made, in such a manner as to leave little to be done to make up what they would submit to the house respecting them. He thought it right, therefore, to wait till a more advanced period of the session, and then, if it should be necessary, he should have no objection to the continuance. One thing that had dropped from the hon. gentleman he thought it necessary more particularly to advert to: he had said that the appointment of commissioners to digest the best mode of making the reform, the necessity of which was established by this inquiry, was disrespectful to the house, and that the present ministers shewed an indisposition to reform. That commission was now before the house, and the professed purpose of it was to aid the executive power to give the public the benefit of the labours of the commissioners appointed by parliament. How far the appointment of a commission in furtherance of the design of parliament was disrespectful to parliament, and how far the object of giving to the public the practical benefit of the discovery of abuse evinced an hostility to reform, he was totally at a loss to discover. He concluded with moving the orders of the day.

Mr. Martin gave his hearty support to the motion of the

hon. and learned gentleman. It was notorious, for twenty years that he had been in parliament, that the greatest abuses existed in the dockyards, and, indeed, in every department of the navy. He had the highest veneration for the character of the noble earl who had been lately at the head of the admiralty. That noble lord deserved the highest gratitude of his country for the bravery, skill, and success with which he had fought its battles, but still more, for the efforts he had made towards the reformation of abuses in this great branch of the public service.

Sir W. Elford was averse to the continuance of the powers of the commissioners as they were now acted upon. He did not deny but that many beneficial suggestions arose from their inquiries. What he condemned was, that they erected themselves into criminal tribunals, condemning men on *ex parte* evidence, and giving charges so weighty and so ill established to the public in their reports. He instanced the case of a brewer, mentioned in the eighth report. The commissioners instructed their solicitor to prefer a bill of indictment against this brewer, before the grand jury of the sessions at Exeter. The bill being thrown out, the solicitor when questioned as to the cause said, the grand jury had been tampered with. All this appeared on the report, to the prejudice of a jury composed of most upright and honourable men.

The *Speaker* suggested that the detail of particular cases, from the reports, was not strictly in order. Mr. Fox thought it perfectly in order. The Chancellor of the Exchequer stated the inconvenience of citing cases from the multiplicity interspersed in the reports, when one case might as well be cited as another, and all belonged more to the discussion of the whole merits of the inquiry. *Sir W. Elford* conceiving himself in order, finished his statement of the case of the Exeter grand jury.

Mr. Sheridan conceived the hon. baronet would have been out of order, if he had not come to the point he had just laid down. Having charged the commissioners with abusing their powers, and having suggested the propriety of restricting them, the hon. baronet was called upon to substantiate his charge of abuse, and to bring forward a specific motion for curtailing the powers. If the commissioners were to be abridged of their powers to detect and punish the foulest frauds and the most flagrant abuses, in the most important department of the public service, it was fit that the cause of that

that curtailment should be made out. It was natural to suppose some extraordinary cause for the rejection of a bill supported by direct evidence. A loose imputation should not be suffered to tarnish the credit or diminish the powers of men who had exercised those powers for the benefit of the country. He thought the hon. baronet called upon in the first instance to make good his charge that the commissioners had abused their power, and then to move that those powers be abridged.

Sir W. Elford justified himself by stating, that he did no more than cite the case from the eighth report of the commissioners of naval inquiry.

Mr. Grey argued, that if there was, as the worthy baronet had insinuated, any fair charge against the commissioners for any of their reports, this was not an evil for which no remedy existed. If any set of men had been injured, they were not without redress. If the commissioners had been guilty of any act of oppression, the house had the means of procuring to individuals improperly attacked full retribution. They could either recall or restrain powers which had been illegally or oppressively exercised. The hon. and learned gentleman who had introduced the discussion, had alluded to a variety of important subjects which remained for the investigation of the commissioners, and the right hon. gentleman opposite had not denied that these matters were extremely interesting in themselves, and deserving of serious inquiry. He had, however, thrown out a hint that there was reason to hope the investigation might be closed before the end of the session. But it was to be kept in view that the proceedings of the commissioners had already been extremely laborious, that they had furnished many voluminous reports, and that there was no reason whatever to suppose that in the short time which might intervene, previous to the termination of the session, there would be time for bringing their investigations to a satisfactory conclusion. The benefits arising from the inquiry were not denied even by the right hon. gentleman, and he would appeal to the house, whether he was asking too much when he contended that the full benefit of the act authorizing the inquiry should be obtained? There was a strong probability that, unless the bill was renewed, it would fail of producing that effect which all seemed to have so much at heart; and could any thing therefore be more reasonable than to put it out of all danger of expiring before it had produced all that reformation which it was calculated to produce?

But the motion of his honourable friend stood on still stronger grounds, if the intention of parliament were to be allowed to have any weight. If parliament had met before the 29th of December, the bill would have remained in activity, and it was not requiring too much to require that the spirit of the act of parliament should be acted on, and that the mere accidental circumstance of the delay of the meeting of parliament, should not interfere in defeating a great measure of public improvement. There was one hon. member in the house (Sir C. Pole) who had been highly instrumental in promoting this important investigation, and who, he was confident, would state to the house that there was no hope of finishing the labours of the commissioners before the termination of the session. He wished to have that hon. member's opinion stated, for it could not fail of making a powerful impression. He was decidedly in favour of the original motion.

Sir Charles Pole, feeling himself thus called on, declared that the objects of inquiry recommended to the consideration of the commission certainly could not be gone through previous to the close of the session. Many points of the highest importance still remained for discussion. But though he felt it necessary to make this declaration, it was proper for him to add, that he was not so clear as to the policy of continuing the commission during a period of war. The house would recollect that the commission was framed previous to the commencement of hostilities, and he had reason to think that the noble person under whose auspices it was brought forward, meant it to apply to a period of peace. The difficulties to the investigation necessary to render the commission advantageous were such during a period of war, as to be worthy of the serious attention of the house when any question was started on the policy of its renewal.

Admiral Markham requested the indulgence of the house for a few moments, while he offered his sentiments on a subject in which it was impossible for him not to feel a good deal interested. He had no difficulty then in assuring the house, that looking to the past labours of the commission, looking to what was still before them, he saw no hope of their being able to finish their investigation before the close of the session. He desired gentlemen seriously to consider what the reports already produced disclosed. But these abuses, great as they were, were not more considerable than others which still remained to be investigated. He believed in his conscience, from all the inquiries which he himself had felt it his duty to make,

make, from all that had fallen under the observation of his noble friend lately at the head of the board of admiralty, that in the naval department, not less than one third of the whole amount might be saved to the nation. This was not an assertion made on light grounds; it was founded on documents in his possession, and in possession of the noble person to whom he had referred, and which were ready to be produced before the commissioners, if they were suffered to go on with those inquiries which had already produced such important results. There still remained many serious matters for investigation. The transport board had been alluded to, and he could assure the house that this was a fruitful subject for inquiry. The conduct of the sick and hurt board was another fertile subject of investigation. As a professional man, he was anxious to have this department inquired into. In common with other officers and seamen, he had suffered from the gross and even scandalous mismanagement of this board. Some time ago there had been a bill before the house for the fairer distribution of prize money; and he believed that many persons concerned with the navy had high expectations from its operation. These expectations had not, however, been in any one instance verified. On the contrary, the bill seemed to have fallen into total oblivion. [Here there was a notice across the table that a new bill on the subject would be speedily brought forward.] The hon. admiral expressed his satisfaction at this intelligence, and hoped that it would not be merely nominally passed, but would be experienced in its beneficial effects. The fact was, that the bill for authorizing the naval inquiry must either be continued, or else many abuses must remain undisclosed, many enormities uncorrected, many instances of extortion unpunished. The right hon. gentleman had expressed his conviction of the importance of the labours of the commissioners, and he now, for his part, called on him to throw no obstacle in the way of their completion. He could recollect, when the business was originally brought forward, that an objection was started on the ground that there was no necessity for the measure. That objection was, however, completely repelled by this consideration, that it would have been the height of absurdity to have had the navy board sitting on a business in which they themselves were interested. As to the admiralty, they were occupied by such a variety of employments, that they could not take the inquiry on themselves, hence the necessity of the commission was established. The right hon. gentleman not only did not attempt

attempt to deny the necessity of the commission, but fairly owned that much of their work still remained to be performed. So far, indeed, from denying that one commission was necessary, there were two commissions now actually in existence. Formerly one commission was attempted to be resisted, but it was now judged that even two might not be unprofitably engaged in the work of inquiry and of reformation. If then the importance of the parliamentary commission was not denied, if it was allowed that it produced very important effects, he saw no reason why it should not be regularly renewed. He had no idea of its being got rid of as it were by a side wind. He could not relish the plan of running it down foully and unfairly. It was but common justice, to have it disposed of on its real merits, and on the effects which it had already produced, or was calculated to produce.

The *Chancellor of the Exchequer* publicly stated, what he had before hinted across the table, that a right hon. friend of his (Sir W. Scott) had given notice of his intention to bring forward a motion for the more fair and speedy distribution of prize money.

Mr. Creevey expressed himself in terms of the highest approbation of the labours of the commissioners for naval inquiry. From what they had already disclosed of frauds on the public, the house and the country had every reason to augur most favourably of their future exertions. He hoped too, that their reports would not be suffered to lie useless on the table, but would be followed up by corresponding improvement. It was the more necessary to allude to this, for he had formerly seen reports of abuses in the naval department which were suffered to sink into complete oblivion. He could remember twenty years ago such reports, and to this time, though improvements had been suggested, they had never been reduced to practice, nor had inquiries, of which there was much promise and strong expectation, produced one important result, except the satisfaction of knowing that the public had been grossly plundered. He was sorry to be under the necessity of alluding to the ministerial commission, which in all probability was only instituted for ministerial purposes. There was among these commissioners one name, the insertion of which in a commission appointed for inquiry into the best means of reforming abuses in the navy, was to him altogether unaccountable. This name was the name of Mr. Fordyce, who had for several years been supposed to be indebted to the public in no less a sum than that of eighty thousand

thousand pounds. He knew it was said that this loss was attributable to a misfortune, and did not at all reflect on Mr. Fordyce's character. Let this, however, be as it might, he could not help saying that he thought it a most extraordinary circumstance, that a person standing under such circumstances should be on a commission, the very object of which was to destroy public abuses. He could have liked to have the subject brought forward by some other gentleman; but as that was not likely to be the case, he certainly could not, consistently with his duty, refrain from taking an early opportunity of bringing the matter under discussion.

Mr. Fox was clearly in favour of the original motion, and could not conceive on what grounds the motion for the orders of the day could be supported. It was evident, that the bill, if allowed to be good at all, could not fulfil its object, previous to the expiration of the session. There was no force at all in the observation of the right hon gentleman opposite, that at this period of the session the renewal was unnecessary. The house could have no means of knowing when the session was to terminate. It might terminate exactly when it suited the whim or the interest of the minister. But was the house to be told that an act, on all hands allowed to be beneficial, was to be renewed just at the period when it suited the minister, and not when it was called for by the public interest? The idea was monstrous, and not to be endured for a moment. If parliamentary inquiry was to be instituted at all, then let it be instituted in the true spirit of inquiry, and not dependent on a minister's arrangement. But the right hon. gentleman had endeavoured to argue, that there probably might be no necessity for renewing the act. Now, what single tittle of evidence had been adduced to countenance such an opinion? It was contrary to every conjecture and every probability. It was directly in opposition to the declared opinion of two hon. and gallant officers, the best acquainted with the subject. These honourable officers had expressly agreed, that it would be quite impossible for the commissioners to finish their inquiries within the period which might be expected to intervene previous to the close of the session. One of the hon. officers (*Sir C. Pole*) had indeed expressed some doubt as to the continuance of the commission during the existence of a war; but he had expressed no doubt that much yet remained to be investigated, much yet was to be done before the mass of public abuses was laid open to view. He really could not help being astonished at the attempt to get rid of the original motion,

motion, by moving the orders of the day. This was surely evading the question in a most unhandsome and indefensible manner. If the right hon. gentleman thought the commission unnecessary, or conceived that the commissioners made an undue use of their powers, why did he not, like the worthy baronet opposite (Sir W. Elford), state such an opinion openly and manfully? The worthy baronet had declared himself dissatisfied with the naval commissioners, and had expressed his opinion that their inquiries should be discontinued. He had stated, that their reports ought to be examined into, because he conceived they afforded ground for grave accusation. The hon. member had acted now as he did on a former occasion. On that occasion he had brought forward a direct charge, but by some misfortune or other, no member could be found to second his proposition. Though, however, he was in this respect unfortunate, it could not be denied that his proceedings were fair and honourable. If the right hon. gentleman entertained similar ideas, why was it that he did not pursue a similar course? Surely it would be a course at once more honourable, as well as more parliamentary. To get rid of the motion by moving the orders of the day was far from being a fair or candid proceeding. If gentlemen objected to the continuance of the commission, they would afterwards have a full opportunity of expressing their sentiments. They ought at least to suffer the bill to be introduced, and on the second reading, they might take the sense of the house, whether it should be allowed to go to any subsequent stage. They had then only to oppose it, and to say directly and explicitly that the commission should be closed. He thought that those who originally supported the act were now bound by every call of consistency to vote for the original motion. If they thought inquiry necessary, they certainly were bound to see that this inquiry was fully and advantageously pursued. If they had thought that gross abuses existed, on what principle was it that they refused their assistance in bringing them to punishment? On every view of public interest he was decidedly in favour of the original motion, which he trusted the house would not suffer to be got rid of by the unfair and unmanly expedient proposed.

Mr. Canning was in favour of the amendment, but begged it to be understood, that in giving this vote, he gave no opinion as to the policy of continuing the commission. Whenever this matter came to be canvassed, he should feel himself as not at all compromised by the vote he should give on the present

present occasion. A great deal had been said with respect to the intention of those who brought forward the measure, as to the time of its continuance. One hon. officer (Sir C. Pole) had declared his opinion that it was not meant to be continued during a period of war. It was true that another hon. officer (Admiral Markham) had expressed his opinion that it was meant to be of unlimited duration, as long as there was any subject of inquiry not thoroughly investigated. Now he contended, that with such opposite and contradictory opinions, in such a state of ambiguity, the house ought to pause before they came to any certain determination. This was precisely the object which the amendment had in view. It was designed not to operate as a decision that the commission should be discontinued, but as a means of giving the house time to reflect to what period it should be extended, or whether it might not be possible to derive all the information required, without any renewal of the act. Even allowing that parliament in the first instance intended that the act should be extended to a period beyond what it would reach to without a new act, the house now were not to be bound by such determination. They were to be guided by dictates of policy and expediency. One hon. officer was of opinion that we ought by all means to preserve the commission in existence. Another hon. officer, equally well qualified to judge on the subject, thought, that during war the operations of the commission would be attended with many difficulties and embarrassments. When this was the case, what was there more natural than to adopt the amendment, which did not all injure the commission at present, and prevented the consequences of a too precipitate decision? There had been a good deal advanced respecting the propriety of bringing forward charges against the naval commissioners if they were supposed guilty of any act of oppression. But he saw no reason for the use of such language. It would be rather too hard, that, after almost absolute and unprecedented powers were bestowed, members should not be allowed to comment on the mode on which they were used without being called on to bring a criminal charge. He did not think it fair when abuses were pointed out, as an hon. baronet had in a particular case endeavoured to establish, to have such observations treated in a taunting manner, as had been done by the last speaker. On the whole he supported the amendment, as leaving the whole matter open for future discussion.

Mr. Fox denied that he had used any taunting language.

VOL. I. 1805.

3 G

If,

If, in what he said, there was appearance of taunt, it was not applied to the worthy baronet, whom, on the contrary, he praised for his fair and open dealing. If there was any thing of taunt, it applied to those who could hear arguments and approve them secretly, without having the courage openly to support them.

Mr. Brugge Bathurst, as one of those called upon by the hon. gentleman, would say a few words. There was no vote he gave in that house that he could not explain. He had hoped, after the candid manner in which the right honourable gentleman below him had met the motion, that it would not have been pressed. The hon. admiral had stated that it was the intention of the noble lord then at the head of the admiralty, to continue the operation of the bill till the whole inquiry should be completed. But this was an important measure that must have been taken in concert with the whole of his majesty's ministers, and unless what the intentions of the whole of them were should be stated, it was little material to know what had been the intention of an individual. It was the intention of parliament that was to be looked to, and that was, that the bill should continue time enough for completing every inquiry. The right hon. gentleman, if he understood him right, did not object to the renewal of the bill, if the main objects of the inquiry should not be gone through during the present session. He did not deny, that in a constitutional point of view, it was possible that the king might come down and prorogue parliament, but if this jealousy were to be acted upon in every instance, it would produce much precipitance and inconvenience. On the candid statement of the right hon. gentleman therefore, he should vote for the order of the day.

Lord Henry Petty rose only to supply one omission that had been made by the right hon. gentlemen opposite, in their arguments against the motion of his learned friend; he meant the omission of the feeling of danger to be apprehended if the commission should continue after it had completed the business. He could not conceive any danger in that case; but they must have been sensible of it, or they would not have objected to the motion of his honourable friend. When an increase of powers was to be given, it was not usual to hear objections from their side of the house. A recent instance had taken place of granting great powers indeed to the government of Ireland; and in proposing to limit their operation to two months, he had never used so absurd an argument

ment for that proposition as those that had been urged on the opposite side of the house in the present case. When he compared the danger of the powers of extending the suspension of the habeas corpus act in Ireland beyond the time necessarily required, with the dangers that would arise from the commissioners retaining their powers after completing their business, he could not see how those who supported the former, could consistently object on this ground to the latter. As to what had been said of the intention of the original framers of the bill, though no man felt more respect for the noble earl than he did, yet it was the intention of parliament that was to be looked to, and parliament was called upon, after having adopted the measure, to protect its own child. When there was distinct evidence of accumulating matter for inquiry, he thought it was precisely the time for continuing the commission. On the one side there was little danger, on the other accumulating matter. It was also notorious that abuses have existed, do exist, and are at present inquiring into. On all these grounds therefore he should vote for the motion of his hon. and learned friend.

Mr. I. H. Browne professed to feel as much confidence as any man in the promise of his right hon. friend (the chancellor of the exchequer) on this occasion, but, consistently with the support which he originally felt it his duty to give to the act, the conviction he had of its importance, and the necessity which appeared for its farther continuance, he could not persuade himself to vote against the motion of the learned gentleman on the other side.

Mr. Tierney was surprised, from the trifling, if any, difference of opinion which existed between both sides of the house upon the merits of the act, that there should be any objection to a motion for its farther continuance. It was allowed on all hands that the commissioners acting under the act had, throughout the whole of their conduct, with the exception of one single instance only, deserved the highest praise. Why then should the house hesitate to invest such commissioners with the power necessary to enable them to discharge their duty with full effect? In order to this, he thought the existence of their power should be stable, and not dependant on the duration of a session. As to the danger apprehended from such a commission during the existence of a war, he thought that the experience we had already had, was sufficient to remove that apprehension. The commission had originated in time of peace, but yet we had

been at war during the greater part of its continuance, and no inconvenience whatever appeared to have resulted from it: quite the contrary; and it was his opinion, and that of many gallant and intelligent officers, that if it were interrupted in its progress before its investigations should be completed, very great mischiefs would arise. An hon. baronet had stated, that if the object of the commission appeared to be unattainable before the expiration of the session, application would, and ought to be then made for the continuance of this act. But he would put it to the candid consideration of the house, whether, thinking as they and the public did of the exertions of these commissioners, it would be decorous to limit them in point of time, or wait for their application to continue the act? Whether it would not be more becoming to be beforehand with them, and to renew the act at once? His opinion was decidedly in favour of the latter course, and he saw no good, though he could well suppose much evil, that might follow from the postponement proposed by the motion of the right hon. gentleman (the chancellor of the exchequer). To the assurance of that right hon. gentleman, that he would bring forward a proposition for the continuance of the act under consideration in the course of the session, should necessity appear to call for it, he was ready to give credit. But it might happen that the right hon. gentleman, however well disposed, would be unable to carry the proposition into effect. Many changes might occur in the course of a session; he did not mean to speak as to ordinary events; but even in the situation of the right hon. gentleman a change might occur. Perhaps the right hon. gentleman did not feel at all the uncertainty of a situation in power, though he could assure him that he felt that uncertainty (*A laugh*); and therefore it was that he could not entirely rely on the right hon. gentleman's promise, or rather, that he could not rely on his capacity to fulfil it. He would not risk this important act upon a contingency, and if the situation of the right hon. gentleman should be changed, his wishes and eloquence might not possibly have sufficient influence to carry the renewal of the act. For this reason it was, that he desired to press the motion for its renewal at present; and also, because he thought such immediate renewal necessary to give vigour and efficacy to the operation of the commission. No man could suppose that that commission could proceed with such effect, if they were to calculate upon the expiration of their power within three or four months, as if that power were enlarged in the manner proposed by the motion. It was impossible indeed, that they could accomplish

the object of their inquiry within the session. They had, he understood, much information to look for from distant countries, particularly in their inquiry into the victualling department. How then could it be reckoned upon that such inquiry could be completed within a short time; particularly as it was stated by his noble friend, that their business was fast accumulating? With respect to the allusions made to the views of those by whom the motion was proposed, those views he did not know; but he knew the view which induced him originally to support this act. That view was, because he thought it proper and necessary to investigate the abuses that were generally supposed to exist in the expence of the different departments of the navy. Of this necessity he was now fully convinced. The vast mass of evidence on the table furnished by the reports of those commissioners, was the best testimony of their merit, and the strongest argument in favour of the motion before the house. Those reports contained such matter as was highly deserving the attention of the house, and such as he trusted would, by becoming the subject of serious consideration, prove that parliament was as anxious to interest itself in the concerns of public economy as in any other subject.

The *Chancellor of the Exchequer*, in explanation, stated, that some gentlemen seemed much to misunderstand his observations with respect to the reports from the commission to which the motion before the house referred. He had said, that there were many important suggestions in these reports; but he would not be understood at all to pledge himself to take any particular proceeding in consequence of those suggestions. This was a consideration upon which he held himself free to make up his mind.

The division being called for, the numbers were—

For the order of the day	-	-	92
For the original motion	-	-	75

Majority	-	-	17
----------	---	---	----

The renewal of the discussion respecting the report of the committee on the conduct of Messrs. Rawlins and Cox, at the Middlesex election of 1802, was postponed till that day se'n-pight. Previous to this postponement, some conversation took place between Mr. Sheridan and the *Chancellor of the Exchequer*.—Upon Mr. Sheridan's moving for the postponement, the *Chancellor of the Exchequer* expressed a wish that a day might be fixed upon when the decision of this business

ness should certainly take place, and that no farther postponement should be looked for.

The resolutions of the expiring laws committee were agreed to, and bills ordered accordingly.

The list of persons to be appointed under the act relating to the India judicature was brought up, read, and agreed to.

Mr. H. Thornton presented a petition from the directors of the Sierra Leone company, praying aid. Ordered to lie on the table.—Adjourned till Monday.

HOUSE OF LORDS.

MONDAY, MARCH 4.

The archbishop of Canterbury, and the bishop of Norwich, took the oaths and their seats.

Lord Hawkesbury wished to know from Lord King if it would be in any respect inconvenient for his lordship to postpone the motion relative to the military establishments of the country, of which he had given notice for Thursday, from that day till the day following.

Lord King said, both days were alike to him. The order for Thursday was accordingly discharged, and the house ordered to be summoned for Friday.

Earl Fortescue gave notice of a motion for the next day, relative to certain persons who had been discharged from his majesty's dock-yards. On this matter also the lords were ordered to be summoned.

On the motion of Lord Walsingham a message was ordered to be sent to the commons, requesting that they would allow the right hon. Sir John Stewart to attend the next day on the committee of their lordships, appointed to consider the articles of complaint alleged against Mr. Justice Fox.

A private bill was brought from the commons and read a first time.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 4.

Mr. White presented at the bar a copy of the minutes of the evidence which was given before the Knaresborough election committee.—Ordered to be printed.

Mr. Hutchinson, from the bank of England, presented at the bar of the house an account of the number of notes issued by the bank, and in general circulation, from December 1803,

10

to the 5th of February 1805, distinguishing those under 51 —
Ordered to be printed.

A message was delivered from the house of peers, requesting that the right hon. Sir John Stewart, bart. should be permitted to attend before a committee of the lords for the purpose of giving evidence in the case of the charge alleged against Mr. Justice Fox.—Ordered.

Mr. Boyd Alexander and Mr. Macdowall presented several petitions from Glasgow, Renfrew, Dumbarton, and other parts of Scotland, praying for a revision of the late corn law, which were severally ordered to be laid upon the table.

The Edinburgh police bill was read a first, and ordered to be read a second time.

Mr. W. Dickinson, jun. obtained leave to bring in a bill for the better regulation of his majesty's marine forces while on shore.

Mr. Alexander brought up the report on the mutiny bill. After the amendments were read, and agreed to.

The *Secretary at War*, said a few words with a view to satisfy the mind of the gallant officer opposite him (General Fitzpatrick), with respect to the amendments which that honourable member had suggested on a former night. He entirely concurred with him as to the propriety of making those regulations with respect to the age of officers who are to sit on or be presidents of courts martial. There were several officers, however, some of them of the highest rank and of the utmost experience, who had declared that they entertained doubts as to the expediency of adopting such a measure. In respect, therefore, to the opinions of such men, he had thought it would be most proper that he should not bring forward the new clauses until he had an opportunity of stating their opinion more fully to the house, which he expected he would be enabled to do the next day. For this reason he hoped the gallant officer would be satisfied that the bill should pass through its present stage without the introduction of the clauses which he had proposed.

General Fitzpatrick declared that he had no objection to the delay for such a reason as was then assigned.

The bill was then ordered to be read a third time the next day.

Mr. Foster gave notice that he would the next day submit to the house an estimate of the sums necessary to be raised for the support of public charities in Ireland, and that on Monday he should open the budget for that part of the united kingdom, in the committee of ways and means.

Mr. Creevey gave notice that he would the next day se'n-night bring forward a motion relative to the deficit of Mr. Fordyce, and also on the subject of the appointment of that gentleman to the situation of a commissioner under the naval commission.

On the motion of Mr. Huskisson, the house went into a committee on the expiring laws.

A resolution was then passed, stating that the law at present in existence for the better regulation of the trade of the Isle of Man, and the prevention of smuggling in that place, is near expiring, and that it is expedient that a new bill should be brought in for that purpose.

The house resumed, and the report was ordered to be received the next day.

Mr. Fox observed, that an honourable friend of his had on a former night pointed out an error in the statement on the table, of the number of men raised under the defence act in the county of Surrey. The account stated that the number was something between 60 and 70. His honourable friend said that he understood it to be only 14. A right honourable gentleman opposite had then said that he believed the statement on the table to be correct, but said that he would make further inquiry in order to ascertain the fact. He wished to know if that right honourable gentleman had obtained any further information on the subject?

The *Chancellor of the Exchequer* said that the number of men, as stated in the paper on the table, was taken from the official return, which was had from the office of the inspector general, and he did not know of any other means by which the fact could be correctly ascertained.

The Chancellor of the Exchequer then presented, according to the order of the house, copies of the different circular letters which have been sent from his majesty's secretary of state for the home department, to the lord lieutenants of counties, on the subject of the defence act.—Ordered to lie on the table.

HORSE TAX.

Mr. Alexander brought up the report of the horse duty bill. The resolutions were read and agreed to, and the bill was ordered to be read a third time the next day.

The *Chancellor of the Exchequer* then said, that there was one step which it was necessary that he should take in point of form, on account of the impossibility of dividing the act into

into two parts, which he had mentioned on a former night that he had discovered. He must, on this account, be under the necessity of introducing a new bill, for the purpose of levying the tax upon horses to be employed in purposes of husbandry. He would therefore submit it to the candour of gentlemen who had made some objection to the raising of the additional duty on that description of horses as specified in the original bill, whether it would not be proper that the bill should be passed on as far as the stage which it had reached in the original bill, without any discussion. He should then, without further observation, move, that leave be given to bring in a bill for raising an additional duty on horses to be employed in purposes of husbandry.—Ordered.

SALT TAX.

On the motion being put from the chair, that the bill for raising an additional duty on salt be read a second time,

Lord W. Russell declared, that he felt it to be a duty incumbent on him as a representative of the people, to oppose the passing of a law which imposed a most heavy tax on an article of such general and immediate necessity to every class of his majesty's subjects, but which was most particularly necessary for the subsistence of the poor man, who was hardly capable of bearing the burdens which are at present on his shoulders. In a former session of parliament, it was thought expedient that the duty should be taken off entirely in some instances, where it most immediately affected the poor. He hoped that gentlemen would reflect upon this circumstance—that they would consider for a moment what an enormous addition this tax would make to the expenditure of the poor man, and he had no doubt that they would then pause before they gave their consent to such a heavy draft being made upon his slender pittance. The tax would affect him in a variety of ways; it would tend to increase the price of bread, it would add considerably to the price of salt meat, which was an article of very general use among the poorer class of people in great towns, and it pressed most grievously on those in the highlands of Scotland and other places, where salt fish was a principal article of their food. And, above all, should this be done at a moment when the poor are scarcely able to maintain themselves, and when subscriptions have been found necessary to be entered into for their support? Seeing this subject in the view that he did, he should have thought he had been guilty of a great neglect of his public duty, if he did not oppose the second reading of this bill. He therefore

moved, that in the question which was put from the chair, the word "now" be omitted, for the purpose of inserting the words "this day six months."

As soon as the Speaker had put the motion from the chair, The *Chancellor of the Exchequer* rose to offer a few observations in reply. He began by adverting to that report of the committee on the salt duties, on which the noble lord placed so much reliance. It was there stated that the removal of those duties would be productive of many important advantages, that it would have the effect in particular of giving material facilities to agricultural improvements. The effect of this would, however, also be, to deprive the revenue of a most productive article; and therefore the noble lord, in referring to the report, argued not against the proposed increase, but against the tax, to all its existing extent. The question then came to be, not only whether during a period of war five hundred thousand pounds was to be added to the revenue by the proposed tax, but whether a million arising from the same source should be abandoned. But with respect to this very report, which suggested such a repeal, he begged the house to keep in mind what had been done since the time it was presented, that is, during the interval of more than three years. With all the documents before the house, which that report furnished, not a single step had been taken to carry it into effect. At the moment when the impression produced by the facts disclosed in the report might be supposed to have been the strongest, no one had declared himself so thoroughly satisfied on the subject as to feel himself authorized in proposing the repeal, and till the present day the question had slept, without even an intimation of a wish that the recommendations of the committee should be reduced to practice. Now he put it fairly to gentlemen, whether if, during a period of peace, there was no idea entertained of acting on the suggestions of the committee, it was now to be argued that their ideas ought to be pursued? The noble lord, indeed, had argued that the tax was highly impolitic, as calculated to operate with the severest pressure on the lower orders. He had particularly referred to those parts of the country where those classes of the community subsisted chiefly on salt fish and other salt provisions. He had no hesitation in saying, that to him the idea of laying severe burdens on the lower classes would be peculiarly unpleasant, and he had ever done whatever lay in his power to avoid the necessity of imposing them. But in a war like the present, which was in defence

fence of whatever is dear either to the rich or the poor, in support of all the most sacred and valuable privileges of social beings, it would be going too far to say that the poor were to be totally exempted from all share of the burdens necessary for the public service. It was indeed objected by an hon. gentleman opposite (Mr. Fox), whose authority would not be denied to be the highest on that side of the house, when the taxes were proposed, that so small a proportion of them was on articles of consumption. He agreed with the hon. member in the policy of such a mode of taxation; but he was afraid we should never be able to find out, in all its extent, the secret of imposing taxes by equal per centages. We had, however, acted on it as far as it was practicable. The income tax, the wine duty, the assessed taxes, and other duties, were so many proofs of the regard that was paid to the comforts of the poorer classes of society. He called on members to look back to the taxes imposed during the late and the present war, from the year 1793 down to the present moment, as a proof of this assertion. During that period, taxes to the amount of no less than sixteen millions had been annually raised; and, with the exception of three or four articles, the whole of that sum was raised by the higher or middling classes of the state. This, then, surely, was no proof of the comforts of the lower orders being neglected, no evidence that there existed on the part of the house the least wish to oppress them by any unnecessary burdens. The house had only to look to the nature of the taxes imposed, to be convinced that every thing was done to confine the pressure of taxation to those best enabled by their situation to support it. They had only to think of the great addition to the stamp duties, to the vast rise on the duties on wine, and even foreign spirits, to be convinced that no pains had been spared to relieve the poorer orders from all unnecessary burdens. But he desired gentlemen to reflect a little on what was to be the operation of the tax proposed, before they suffered themselves to be led away by the idea that it would operate with any great severity of pressure. The amount of the tax was five hundred thousand pounds, taken on a calculation that the quantity of salt consumed was annually about two million of bushels. The population of the whole kingdom was taken at about eleven millions, so that the proportion to each family would not be very considerable. It was always to be kept in mind, in reasoning on the pressure of the tax, that the quantity of salt consumed in families in higher life was much greater in proportion to the number of individuals than

among the poorer classes. It was easy to account for this, from the different manner in which their provisions were prepared. The tax, besides, was insensibly collected from the weekly earnings of these classes, and would consequently not operate as any material pressure on their laborious industry. He had inquired into the subject, and he found that it would amount on an average to no more than four or five shillings for each family. Now considering all the heavy imposts which the higher orders had been subjected to, it could not with justice be argued that this tax would operate with great severity. As to the effect which it might have on the price of bread, he maintained that it was quite inconsiderable. The fact was, that on a sack of flour the quantity of salt necessary for converting it into bread was so trifling as to be incapable of producing any effect on the rise of bread. It would not produce, he had reason to think, a rise of more than a farthing on a whole sack of flour. Such a rise as this was not to be seriously spoken of, when arguing on the principle and policy of the tax. It could not affect prices by itself, and ought not to be urged as any proof that the tax would be oppressive. On the whole view of the subject then, he had no difficulty in saying, that situated as the country now was, urgent as was the call, both on rich and poor, for great sacrifices in support of their common interests, and common safety, he saw no tax less objectionable, and capable of producing an equal sum, which could be substituted in its room. He therefore felt himself called on to resist the noble lord's motion.

Mr. Fox declared that he had seldom risen to give his opinion against any tax which appeared to him more objectionable. The right hon. gentleman had asked why, if the suggestions of the committee on the salt duties were politic and expedient, they were not acted upon during the existence of peace. To this the answer was at once simple and conclusive. The house would recollect that the report was made in 1801, and it was only in that one session that the interval of peace gave any opportunity for bringing forward a proposition for the repeal of the salt duties. At that time those at the head of affairs, and those who brought forward the report, had not time to make up their minds how far a bill for the repeal of the duties was expedient, or in what manner the deficiency arising to the revenue should be supplied. But it was, indeed, a very different thing to talk of the absolute repeal of a tax allowed to be obnoxious, and to come forward with a proposition for augmenting it to a monstrous extent. Whenever this country

country was restored to peace, he hoped and trusted that the tax would be totally annihilated. But, said the right hon. gentleman, if the old tax cannot now be removed, on what principle was it that gentlemen objected to the increase? This, truly, was a very singular and novel sort of reasoning. He would ask the right hon. gentleman, whether, if the tax amounted only to two hundred thousand pounds, he would object to the repeal? He believed the right hon. gentleman could then have no doubt as to the policy of the repeal. The old tax amounted to a million, hence arose the difficulty of destroying so large an amount of revenue. But the new tax proposed to render this revenue greater by five hundred thousand pounds, and hence the difficulty of the repeal was greatly enhanced. On this ground, if he had no others, he should object to the fresh imposition. It was not only oppressive now that war existed, but would infallibly throw fresh obstacles in the way of the repeal, whenever peace came to be restored. Now, as to the tax itself, he further objected to it that it attached to one of the direct necessities of life. With respect to many articles of consumption to which taxes applied, the lower orders had a remedy, either by discontinuing them altogether, or by using them in a more sparing manner. But here the tax could not by any means be avoided. The right hon. gentleman had said, that the fisheries would not be affected in consequence of the drawback to be afforded. The very necessity of the drawback was, however, an argument against the tax. Difficulties arose out of drawbacks in two ways; in one case the revenue was defrauded, or in the other, the individual would not derive the advantages intended by the legislature. He could suppose the case of a poor man who cured a small quantity of fish chiefly for his own use; but perhaps partly for a retail trader. Now in this case, it was next to an impossibility to make the distinction betwixt the salt used for this trade, and that employed for his own use. As to the tax generally, he condemned it in its application to the poor, as contrary to every principle on which taxation had hitherto been founded. It had always been hitherto acted on as a general principle, that wheat, corn, and butcher's meat, should not be directly taxed. Here, however, butcher's meat was indirectly taxed, and that sort of food which the lower orders principally depended on for their subsistence. The right hon. gentleman had argued that the tax would fall lightly on the poorer classes; but how did this appear, when it was to attach chiefly to salt provisions, which, with the excep-
tion

tion of bread and potatoes, where salt too was indispensable, constituted the sole support of the laborious orders? He did not pretend himself to have much information on this subject, but he had felt it his duty to inquire into the business, and he found, that if a hog of twenty score was to be salted, it would require no less than a bushel and a half of salt. It was true that a hog of this size was not likely to be in the hands of a person in the lower orders of life. But this, so far from weakening, strongly corroborated his argument. It was well enough known, that if a hog of smaller size was to be salted, a greater quantity of salt in proportion would be required. Supposing then that a small hog was to be salted, and a quantity of salt, which now paid a duty of fourteen shillings, was required, the same quantity would cost twenty shillings, for though the tax was only five shillings, yet the retail dealer would certainly raise it to six, if not to a still higher price. He wished gentlemen to bear in mind whether this addition would not, to a poor cottager, prove a very serious addition. Now, as to the effect of the tax, so far as respected our agriculture, he had consulted many of the best judges in the kingdom, and they were all of one opinion, that the total repeal of the salt duties would be one of the most important measures which could be adopted. They all allowed, that if salt free of duty could be employed on a large scale, it would be productive of incalculable benefit. It behoved gentlemen, then, well to weigh this before they consented to a fresh imposition, by which the use of salt in agriculture would be in a great measure prohibited. Here the same arguments as applied to the fisheries could not be allowed, because a drawback could by no possibility be allowed. Viewing then the tax in all points of view impolitic, he most heartily supported the motion of his noble friend.

Mr. Egerton was against the proposed tax, which, from his knowledge of the trade, must operate in a most disadvantageous manner. He referred to a meeting of the salt owners, which had waited on the right hon. gentleman opposite, to explain to him their views of the tax. At that meeting they had used every argument to induce him to abandon the measure; and though they had not succeeded in obtaining the object of their wishes, they had experienced from the right hon. gentleman every sort of attention and candid consideration.

Mr. Giddy spoke shortly against the tax. From his own intimate experience, he was sure that it would be highly detrimental

trimental to the fisheries. When the last tax on salt was imposed, over a great extent of coast the curing of fish was for a considerable time almost wholly suspended. In many parts of the country, where the people almost wholly lived on salt provisions, the tax would be productive of much serious inconvenience, even misery. He strongly recommended the substitution of some other tax in its room, as the present was unjust in its principle, and impolitic as well as oppressive in its operation.

Sir William Pulteney was decidedly against the measure. He had no doubt that if the war had not broken out, the suggestions of the committee on the salt duties would have been carried into effect. The only question was, if the salt duties were repealed, what other duties should be resorted to, to cover so great a deficiency in the revenue? The argument of the right hon. gentleman opposite, that the tax would not be oppressive, because it would only make an addition of four or five shillings to each family, was totally unfounded. The fact was, it would create an addition to this amount in every individual of a family, and would any one deny, that this would be a most heavy and serious pressure? Hitherto it had been the object of the house to exempt from taxation all articles of indispensable necessity to the sustenance of life. Other articles of convenience or luxury might be given up, but here, it was proposed to lay a very severe impost on an article admitted on all hands to be an article of primary necessity, and one which was essential not to the comfort only, but the very existence of the lower orders. Salt was like leather, and candles, and a few other articles, which deserved the name of necessities in the strictest sense of the term. The house were aware that a tax on such articles was attended with inconveniencies far greater than the bare amount of the impost in the first instance. The moment the tax was promulgated, the retail dealer took advantage by considerably raising the article taxed to the consumer. This rise was in all cases exceedingly oppressive to the labouring classes of the community. He referred the house to what had been found to be the effect of the salt tax in France. There it was found to be a most odious, oppressive impost, and more than almost any other cause excited disgust against the government. There too the rise of the price counteracted the views of those who projected and persevered in the tax. The people in most cases diminished the consumption, and in others totally disused the article. It was a fact that, when the price was comparatively small, there were twenty-eight pounds consumed,

turned, while in the same family there was not a consumption of twelve pounds when the price became exorbitant. The hon. baronet desired the house to look to the state of the northern counties, and the sort of bread which constituted the principal food of the laborious classes. Salt was indispensable to the formation of this bread, and surely it was the height of impolicy to augment burdens among those who were the least able to afford them. He should ever set his face against taxes affecting, as this did, the middling, and he would contend, the most valuable part of society. If such taxes were accumulated, it was easy to foresee the consequences. We could not raise the public burdens. We must come to a stand. The state, like other declining empires, must see its last day. He conjured the house, by throwing out this measure, to shew their desire to avert so dreadful an evil.

Mr. Rose could not admit that the objections of the worthy baronet were conclusive. He did not believe that the tax would diminish the consumption of salt. Past experience shewed that such taxes rather assisted than diminished consumption. This, at least, he could state to have been the effect of the last tax upon salt, which at the time was so strongly objected to. As to what an hon. gentleman opposite (*Mr. Fox*), had said about the quantity of salt necessary for salting a hog of twenty score, he confessed when he heard the statement he doubted of its accuracy. He had accordingly gone out for a few minutes to consult a person well versed in these matters, who had assured him that the statement was totally erroneous. On the same authority he could assure the house, that about fourteen pounds of salt would be sufficient for the purpose alluded to. He could not vote for giving up the tax, as he really did not see that one more unexceptionable could be substituted in its room.

Mr. Fox, in explanation of his statement, begged the right hon. gentleman to consider that there were different modes of salting, applicable to different situations and circumstances. What would be very good salting for the family of a person in high life and affluent circumstances, would be quite inadequate to the purposes of a cottager; a much larger quantity of salt would be necessary in the one case than the other.

Mr. Alderman Cambe strongly deprecated the tax. He maintained that the effect of the tax would be to enhance the price of bread, an effect which the proposition of it had already produced in the metropolis.

Lord Archibald Hamilton also opposed the tax, and alluded particularly

particularly to the baneful effects it would produce on the state of the fisheries in the northern parts of Scotland.

Mr. Huskisson maintained that the tax would lay no more than four or five shillings on each family. This, indeed, was quite clear by looking to the population of the country.

Mr. Johnstone, on the contrary, vindicated the statement of his honourable relation (Sir William Pulteney) that this sum must apply to individuals and not to families. In the report of the committee on the salt duties it was stated, that each person on an average consumed fourteen pounds of salt in the year, and this, by the old tax, made two shillings and sixpence. The new tax would make one shilling and three pence more, being nearly the sum alluded to by his honourable relation. He was clearly against the tax, and maintained that it would hold out new temptations to smuggling, which, in the northern parts of the island, was already carried to an enormous extent.

After a few words in explanation from Mr. Pitt and Mr. Huskisson, the house divided :

For the original motion	-	93
For the amendment	-	63

Majority for the second reading - 33

The bill was read a second time, and ordered to be committed the next day.—Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 5.

Lord Walsingham moved that their lordships be summoned for the next day, that the opinion of the house might be taken, whether the committee now sitting upon the matters alleged against Mr. Justice Fox, should have leave to report to the house from time to time. Ordered.

The post-office duty bill and the loan bill were brought up from the commons, and read a first time.

Lord Mulgrave requested that the noble lord opposite (Lord King) would have the goodness to consent to a further delay of his motion from Friday till Monday next; Monday he thought would in many respects be the most convenient day.

Lord King observed, that he had already deferred his motion several times, either at the request of the noble and learned lord on the woolsack, or the noble secretary of state; but that he never considered his own convenience in the mat-

ter. He now felt that many lords would be inconvenienced should he defer his motion beyond Friday. He must, therefore, beg leave to adhere to that day.

Lord Fortescue, after frequent consultations with the Lord Chancellor, Lord Hawkesbury, and Lord St. Vincent, deferred until the next day the motion of which he had given notice the preceding day, respecting certain dismissals from his majesty's dock-yards. The reason why he deferred his motion was the unavoidable absence of a noble viscount (Melville.)

Sir John Stewart and General Archdale were sworn to give evidence before the committee sitting upon the matters alleged against Mr. Justice Fox.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 5.

Mr. Baker reported from the committee appointed to examine the petition of Mr Bowyer, of the Historic Gallery, Pall Mall. Agreeably to the said report, the hon. member moved and obtained leave to bring in a bill for disposing of the gallery, pictures, and prints, of Mr. Bowyer by lottery.

Mr. Williams, from the board of naval inquiry, presented at the bar, pursuant to order, copies of the correspondence between the lords of the admiralty and the commissioners of naval inquiry, respecting the papers referred to the said commissioners on the case of Sir Home Popham, and the date of the return of those papers to the lords of the admiralty, together with a copy of the examinations taken before the commissioners on the subject of these papers. Ordered to lie on the table, and to be printed.

Mr. May gave notice that he would on Friday next move for leave to bring in a bill for the repeal of the six per cent. duty, to which the retail importers of Ireland are at present subject.

The Speaker suggested to the hon. member, that by the understanding of the house, no other business was to be brought forward on Friday, but the renewed discussion upon the subject of the Middlesex election of 1802, respecting the sheriffs.

Mr. May therefore changed his notice to Thursday.

Mr. William Dickinson brought in a bill for the regulation of the marine forces while on shore. Read a first, and ordered to be read a second time the next day.

Mr.

Mr. Young, from the commissioners of customs, presented at the bar pursuant to order, an account of the tonnage and number of ships employed in the West India trade. Ordered to lie on the table.

Mr. Alexander brought up the report of the expiring laws committee, which was read and agreed to, and on the resolution which relates to the trade of the Isle of Man, leave was given to bring in a bill.

Sir John B. Warren presented a petition from the inhabitants of Nottingham, against the corn bill of last session. Ordered to lie on the table.

Petitions were also presented by Lord Archibald Hamilton from Perth, Rutherglen, and other places in Scotland, praying the repeal of the corn act of last session.

The *Secretary at War* took occasion to call the attention of the house to the subject of those petitions. It appeared to him that the petitioners complained of the evils of a bill which had not yet come into action. The bill was not to operate until corn was at a certain price; and as no such case had yet occurred, he rather thought the people were deluded, and persuaded to feel a grievance of which they had yet had no experience.

Lord Archibald Hamilton vindicated the right of the people to petition even where the evil of which they complained was but likely to arise. In this case, however, the evil was actually experienced. The very passing of the act had done considerable mischief. It had created an alarm that had not yet subsided. It had raised the price of corn. But, even supposing that it had not produced that effect, if the object of the bill were exceptionable, it was of course such as the people were entitled to deprecate, and against which it was their right, interest, and duty to petition.

Sir William Elford stated the object of the act to which the petitions referred to be, to promote agriculture by encouraging the farmers. But as the act had not yet been in operation, he maintained that the price of corn was not fairly attributable to it, and that corn would have been, from various circumstances, at its present rate, if that act had never existed. This he thought it necessary to mention, as a great delusion had gone forth among the people, that the existence of this act had produced an enhancement in the price of corn.

The petitions were ordered to lie on the table.

Mr. Foster presented, pursuant to order, accounts of the extraordinary and ordinary revenues of Ireland, for the year

1804, together with other accounts. Ordered to lie on the table.

Mr. Huskisson moved the discharge of the orders respecting the lordships of Fife and Strathern, with a view to move for the production of documents more accurately descriptive of the object to which the hon. gentleman referred, upon whose motion those orders were made.

Mr. Grey said, he understood that the motions inserted in the orders alluded to were not sufficiently accurate.

The orders being discharged,

Mr. Huskisson moved for a copy of any lease granted to the hon. John Hope, in trust for Jane Viscountess Melville, of the lordships of Fife and Strathern. Also an account of the intromission of John Craufurd; the rents and arrears due upon the said lordship; the charges and discharges respecting the same, &c.—Ordered; and these accounts were afterwards presented by Mr. Huskisson, and ordered to lie on the table, and to be printed.

A message from the lords stated their lordships assent to the Surrey iron rail-way bill, and several private bills.

Here some pause took place in the progress of business, owing, as was supposed, to the absence of Mr. Pitt. Upon which,

Mr. C. W. Wynne rose, and observed that a certain hour was appointed for the commencement of public business, but that notwithstanding this no business was generally proceeded upon until much later. This delay was so extremely inconvenient to several members, that he should feel it his duty to move the reading of the orders of the day on this as well as on every other occasion when such delay should occur.

Mr. Fuller justified the observation of the hon. gentleman, and stated that, in consequence of the irregularity complained of, he was seldom able to take his dinner comfortably.

Mr. Huskisson observed, that no time was lost in the discharge of business that day. The little pause which had occurred, arose from the searching at the bar for some papers which he meant to present to the house.

Mr. C. W. Wynne said, that although, according to order, public business should commence at four o'clock, yet it was now become the custom to postpone it generally until half after five. This was the more to be complained of, as it was known that no house could be made at four o'clock unless forty members were present; and if those members should
attend;

attend, they would have to wait for above an hour before any business was proceeded on.

Mr. James Martin conceived this to be a very fit and proper subject of complaint. He had long noticed the waste of time that had taken place in consequence of the delay alluded to, and was much astonished that no member had before called the attention of the house to it. Such delay appeared to him to be disrespectful to the house in general, and particularly so to the chair.

The *Secretary at War* declared that it had never been, in his recollection, the practice to proceed upon public business until five o'clock. He denied that there had been any ground of complaint that day, whatever might have taken place on a former day, when the attention of the house was called to the same subject. Any pause in the progress of business that day, arose entirely from the interruption given by this conversation to his honourable friend, who was just about to present some papers to the house.

MUTINY BILL.

The *Secretary at War* proceeded to move the third reading of the mutiny bill. In making this motion he was afraid that he should disappoint the expectation of the hon. officer on the other side (General Fitzpatrick), as he was not prepared to submit the propositions which that honourable officer recommended on a former day. For himself he was ready to confess, that those propositions appeared to be perfectly reasonable. They were, according to his recollection, that the members of regimental courts martial should be sworn, that they should be authorized to administer oaths to witnesses, &c. and that no president at such a court martial should be under twenty-one years of age. However, although they were unexceptionable in his opinion, there were many officers of considerable experience and high rank who entertained doubts of the propriety of introducing such innovations into the old established system of the army. To the doubts of such persons he thought it proper to defer, although he was free to own that in the objections they advanced he saw no force. Yet it was due to them to allow time for fuller deliberation on the subject, and with a view to that he would propose a slight alteration in the bill, which could not be conveniently delayed in its progress, to this effect, "that it might be altered or amended within the session." This alteration would, he hoped, meet the concurrence of the honourable officer, as it would

would afford an opportunity of introducing the amendments he suggested.

General Fitzpatrick said that, in consequence of the conference he had had with the right hon. gentleman, and the obvious justice and necessity of the propositions he suggested, which met that right hon. gentleman's entire concurrence, he had thought it unnecessary to trespass on the attention of the house, by stating the grounds upon which he was urged to submit those propositions. Those grounds were such as he had very little doubt would convince the majority of the house of the propriety of adopting the amendments he proposed. He had, indeed, never heard any serious objection urged against them. It therefore struck him as rather extraordinary, after the declared coincidence of the right hon. gentleman, to be told that some military officers entertained doubts upon the subject. No doubt was expressed by any person of that house; not a sentence of objection was heard from any member; and yet those salutary improvements, for the adoption of which policy, humanity and justice equally called, were to be rejected or delayed, because some military officers doubted. How, he would ask, were the objections of such military persons to be brought before the house in a parliamentary form? and the mere statement of their objections, unaccompanied by any reason for such objections, was not, he contended, a parliamentary ground for the delay or the promotion of any measure. The time required, in the opinion of the right hon. gentleman, to deliberate upon the propositions he had felt it his duty to recommend, was attainable in his judgment without proposing the alteration the right hon. gentleman alluded to. There was no necessity to hurry the bill through the house. This was only the 5th of the month, and there was yet time enough to pass it, even should the right hon. gentleman consent to postpone the third reading until some day next week. For himself, he must say, that he felt he was at present rather awkwardly circumstanced. He had declined to prepare the clauses he wished to introduce into the bill, relying that the right hon. gentleman would bring them forward. The right hon. gentleman would, however, he trusted, agree to postpone his motion, particularly as no inconvenience could result from such postponement. He also trusted that the right hon. gentleman would not withhold his assistance from him in drawing up the necessary clauses; further, that the right hon. gentleman would manfully maintain his declared opinion, and
second

second his endeavours to promote the adoption of those clauses.

Colonel Stuart thought the principle of the propositions recommended by the honourable officer ought to be carried further, and that the degrees of punishment to be inflicted by regimental courts martial ought to be limited. The number of members on such courts martial ought, in his opinion, to be in no case less than seven, unless where a field officer presided, and, in such case, not less than five. This was a regulation which appeared to him highly necessary, but he particularly enforced the propriety of prohibiting the sentences of regimental courts martial from inflicting beyond a certain degree of punishment, not more than 2 or 300 lashes.

The *Secretary at War* expressed his readiness to assist the honourable officer in drawing up the clauses with respect to the propositions he mentioned, and in which he perfectly concurred. He also assented to his wish for postponing the motion, and should therefore move the third reading on Monday next.

Sir Eyre Coote cordially approved the propositions of the honourable officer, and thought that no officer should be admitted a member of any court martial who was under twenty-one years of age. This alteration would, he was persuaded, be very grateful to the feelings and conducive to the interests of the army.

The order for the third reading of the bill was postponed till Monday.

DEFENCE BILL.

Mr. Windham asked whether any inquiry had been made with respect to the report from the county of Surrey of the men raised under the additional defence bill?

The *Chancellor of the Exchequer* replied, that there was a mistake in the return on the table; and that mistake arose from some men who had enlisted for general service, having been put on the list raised under the additional defence act. This mistake corrected, reduced the number for the county of Surrey to 55.

Lord William Russell stated, that at the last general meeting for the county of Surrey, there was a return made of only 14 raised under the additional defence act.

The *Chancellor of the Exchequer* said that the statement he had just made, was founded upon information received from the

the inspector general's office, where he had directed inquiry to be made on the subject.

The pleasure horse duty bill was read a third time and passed.

MIDDLESEX ELECTION.

Lord Marsham brought up the report of the committee appointed to try the merits of the petition from the Middlesex electors, complaining of the last return for Middlesex.

The report was read, and the following are its resolutions :

That George Boulton Mainwaring, Esq. was not duly returned for the said county; that Sir Francis Burdett, bart., ought to have been returned.

That neither the petition of the freeholders nor the opposition made to it was frivolous or vexatious.

The report being agreed to, it was ordered, on the motion of Lord Marsham, that the clerk of the crown should attend the next day to cancel the name of G. B. Mainwaring, and insert that of Sir Francis Burdett.

SALT TAX.

On the motion that the Speaker should leave the chair, in order to go into a committee on the salt bill,

Mr. Johnstone rose, not, he said, to repeat the general arguments on this measure, which the house had heard so forcibly urged the preceding day, but to call the attention of gentlemen to the operation of the salt tax in Scotland. When this tax was imposed in 1793, it was reduced in Scotland from 6s. 6d. to 4s. per bushel. This reduction took place in consequence of a consideration of the peculiar circumstances of the people of that country. Now he wished to understand how it was proposed to draw the additional tax contained in this bill from a country so circumstanced. If in 1793 it was incapable of paying more than 4s. per bushel, why was it now deemed capable of affording 9s. ? Considering, indeed, the situation of Scotland fully and fairly, it was his opinion that it would be much wiser to remit the salt duty in that country altogether. That duty produced but 45,000*l.* per annum, and there was a bounty allowed from the excise, amounting to 29,000*l.* which, with a considerable bounty from the customs, exceeded the produce of the tax. For these reasons he submitted that a repeal of the duty as to Scotland would not be less advantageous to the revenue than to the people of Scotland. If so, then how could ministers justify the imposition of a further salt tax upon that country ?

Mr.

Mr. Huskisson stated the reason for the former réduction of the salt tax in favour of Scotland to be this, that as the Scotch people manufactured their salt from sea water, they were subject to an increased expence for fuel. On that account this allowance was made, which was still proposed to continue, and he contended therefore that the people of Scotland had no reason to complain. As to the produce of the revenue arising from the salt duty in Scotland contrasted with the bounty, he admitted that it was not considerable; but then its reduced amount proceeded from the frauds that were known to exist, and the smuggling with Ireland. If, however, the hon. gentleman would look into the bill before the house, he would see that such provisions were introduced into it as were calculated effectually to prevent those frauds in future.

A division took place upon the motion—Ayes 158, Noes 58.—Majority 100.

The house accordingly went into a committee, and being resumed, the report was ordered to be brought up the next day.

PROPERTY TAX.

The house resolved into a committee on the property tax bill.

Lord Temple gave notice, that he would the next day move for the exemption of military officers below a certain rank from the payment of this tax.

The *Chancellor of the Exchequer* announced his intention of opposing any proposition for the exemption of any class of men from this tax, as contrary to the spirit and equity of the measure, and calculated to undermine the whole contribution.

Sir John Newport called the attention of the committee to this tax, as it affected the property in the funds belonging to persons resident in Ireland. This he conceived to be contrary to the principle of the union, which proposed to leave the resources of each country applicable to the treasury of that country. It would be also contrary to the policy which dictated an exemption in favour of the funded property of foreigners, which arose from a wish to induce foreigners to vest their money in our funds. The operation of this tax with respect to persons resident in Ireland would, he observed, be still more severe for this reason, that according to the act, the English agent would be obliged to make a return of the whole property of his principal, and

thus the same person might be subject to the payment of the same tax in both countries. Under those circumstances the hon. baronet proposed a clause to exempt from the tax such property in the funds as belonged to persons who pay the hearth money and window tax in Ireland.

Mr. Alexander did not think the object of the hon. baronet attainable in the way he proposed.

Sir John Newport stated that when he before mentioned the subject, he was told that the committee would be the proper place to bring forward this proposition.

The *Chancellor of the Exchequer* observed, that the proposition of the hon. baronet could not be entertained, as no previous instruction to the committee had been voted. As to the proposition itself, he was surprised to hear it stated that it involved a violation of the principle of the union. It was not less agreeable to that principle than to the precepts of common equity, that the property in each country should be subject to the taxation, and appropriate to the treasury of that country. This was precisely what this tax, objected to by the hon. baronet, proposed; and on the same principle, the property in the funds of Ireland, belonging to persons resident in this country, would be subject to the taxation, and applicable to the purposes of that country, should it be thought proper to lay a tax on such funds. By the same parity of reasoning, the land in each country would, in case of a land tax, be subject to the tax imposed in that country. He recollected that the Irish parliament had laid an additional tax on the land of absentees; and therefore they proceeded upon quite a contrary principle to that on which the proposition of the hon. baronet was grounded. Indeed, he never heard of any project of exemption similar to that proposed by the hon. baronet.

Sir J. Newport persisted in maintaining that it was contrary to the principle of the union to draw these resources from the use of Ireland which would be otherwise sent into it. Independently of this ground of objection, however, he claimed the exemption he proposed, upon the same principle as that which induced the house to exempt the funded property of foreigners. Unless the property of the latter were deemed more sacred than that of the Irish, he saw no reason why this proposition should be resisted. If the hon. gentleman should persist in opposing his object, he declared that he would move to expunge from the bill the exemption in favour of foreigners.

Mir.

Mr. Bampf moved the introduction of a clause to exempt from the operation of the tax such property as is vested in the hands of trustees for charitable purposes only, upon proof being made before the commissioners of such fact.

After some conversation, in which it was understood that this exemption is to be made applicable to both the old and the additional tax, the motion was agreed to.

Sir John Newport moved that the exemption in favour of foreigners should be expunged.

Mr. Huskisson observed that this would be to lay on a new tax, and that therefore it must originate in a committee of ways and means.

The motion was withdrawn.

The several clauses were gone through; the house resumed, and the report was ordered to be brought up the next day.

Mr. Huskisson brought in a bill for laying on a duty on horses employed in agriculture, &c. Read a first time, and ordered for a second reading on Thursday.

Mr. Huskisson presented, pursuant to order, an account of the balances due from the late receiver general of Scotland, John Hamilton, esq. Ordered to lie on the table, and to be printed.

A similar order was made as to the copy, which the honourable member presented, of his majesty's warrant granting an additional salary to Lord Melville, as lord privy seal of Scotland.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, MARCH 6.

The postage duty bill and the loan bill passed through committees, and were reported.

Lord Walsingham delivered in the list of peers appointed under the East India judicature act.

It was referred to a committee of privileges to consider of the claims of certain peers of Ireland to vote at the election of peers for that country.

JUDGE FOX.

Lord Walsingham, the chairman of the committee relative to Mr. Justice Fox, made a few observations respecting the progress made by the committee, stating that the committee

had been indefatigable in their investigation, and wished to proceed in a manner that might be perfectly unobjectionable. He concluded by moving, that the committee appointed to consider the charges against Mr. Justice Fox have power to report from time to time, with respect to any such charges which they may think sufficiently proved to authorize an address from that house for his removal.

The *Earl of Carlisle* wished that the committee might be instructed as to the precise line of conduct which they ought to pursue. He was averse to the idea, if such was in contemplation, of bringing forward one charge against the learned judge, or two or three, or any number, supposing the committee should conceive them to be substantiated, for the purpose of putting him upon his defence at their lordships' bar, whilst others still remained behind uninvestigated by the committee; as such a mode of proceeding would place the learned judge in a very difficult and embarrassing situation. This was a possible case, and therefore he wished to prevent its occurring. For this purpose, he was of opinion that the best mode would be either to prohibit the committee from making any report until they had finished the investigation of the whole of the charges, or else to say, if a report from time to time was allowed, that such report should not be acted upon by the house, until the whole case was before their lordships. It was upon the ground that some such indefinite mode of proceeding was meant to be adopted, that he objected to the present motion.

Lord Hawkesbury could not see that the present motion would stand in the way of any future proposition, with respect to the mode of proceeding, either in the committee or in the house. It would not be regular to advert to the proceedings of the committee, or else he might say that this proposition was unanimously agreed to in the committee, as one which it would be highly proper to submit to their lordships. As to the possible case adverted to by the noble earl, he, on the other hand, saw another possible case, namely, where delaying to call upon a judge, placed in a similar situation, to answer at their lordships' bar to any one charge, until the whole of the charges against him had been investigated, might be productive of great public inconvenience and private misery. If their lordships adopted the present motion it would certainly not preclude them from afterwards adopting whatever mode of proceeding they might think most advisable.

advisable. It would still be open for the committee to decide whether they would or would not make any report until they had concluded the whole investigation; and supposing the committee to agree to make a report with respect to any part of the charges, it would then be for the consideration of their lordships, whether they would immediately act upon such report, or whether they would let it remain until the whole business came before them. With this view of the subject he could not see any objection to the present motion.

Lord Grenville would have had much difficulty in consenting to the present motion, if he had conceived that it at all precluded their lordships from subsequently adopting any mode of proceeding which they might think most expedient. It was only in consequence of his conceiving it to be distinctly understood, that the adoption of this motion would leave them perfectly free with respect to the future mode of proceeding, that he assented to it.

The Lord Chancellor concurred in opinion with the noble lord who had just sat down, observing that he likewise consented to the motion, under the impression that its adoption would not be any obstacle to whatever future proceeding they might think it advisable to adopt.

The motion was then agreed to.

NAVAL ARTIFICERS.

Earl Fortescue rose to make the motion of which he had given notice. He apologised for troubling their lordships, but the subject which he had to advert to was one of considerable importance, relating to nothing less than the naval power of the country. He would endeavour, by a brief detail, to put their lordships in possession of the facts which he wished to state. In the year 1801, there was a variety of combinations respecting the high price of provisions in the county of Devon, which his official duty, as his majesty's lieutenant of that county, called upon him to use every exertion to repress. The course of his official duty led him to various parts of the county, and amongst others to Plymouth, at which place an alarming combination existed in the dock-yard, and those concerned in it had their delegates, and corresponded with other societies, using all that machinery which had been so frequently used in other parts of the country. In consequence of this circumstance, he found himself placed in rather a delicate situation, as his duty as lieutenant of the county called upon him to use the most vigorous means

to

to destroy this combination; whilst he felt a difficulty in interfering, the dock yards having been always considered to be under the immediate superintendence of the admiralty. In this dilemma he wrote to a noble duke, then one of his majesty's secretaries of state, whose absence and the cause of it he much lamented. A correspondence ensued, the details of which he should, for obvious reasons, avoid entering into, the result of which was, that three commissioners of the navy were sent to Plymouth, and he received a communication from the noble lord then at the head of the admiralty, stating, that these commissioners were to be associated to himself (Earl Fortescue) for the purpose of taking such measures as might be deemed expedient for the public service. He should not enter into the details of all that subsequently passed, but merely state the result; which was, that about 100 men, or rather, he believed (for he had left the documents in the country, not thinking he should have occasion to revive the subject) from 110 to 120 were discharged from the dock yard, and their names and descriptions were sent to the other dock yards, that they might not be again engaged. He should not trouble their lordships any further than by stating, that he made his motion in consequence of learning from an authority which he had no reason to doubt, that several of these men had been re-entered in his majesty's dock yards. He wished information upon this point, not however with a view to any further proceeding, but that the document might be before their lordships for them to make such use of as they might think proper. His lordship concluded by moving for a list of the names and descriptions of the artificers discharged from Plymouth dock-yard on the visit to that place by the commissioners of the navy board, in April 1801, in consequence of the mutiny there, and also for a list of the names of such of them as had been since re-entered in any of his majesty's dock-yards, with the dates of such re-entries.

Lord Melville said, that he was not aware the preceding day of the nature of the noble lord's motion, or otherwise he would certainly have been in his place. He should avoid alluding to those details which the noble lord had for various reasons passed over; at the same time, however, he could not help observing, that if the details were gone into, they would redound highly to the credit and honour of the noble lord, in his conduct as lord lieutenant of the county of Devon. With respect to the motion itself, he had scarcely
a word

a word to say, as he had no objection to it. The noble lord had disclaimed any intention of instituting any further proceeding with reference to this subject, and he should therefore abstain from moving for any further information. He wished it, however, to be distinctly understood, that if any further proceeding should be instituted, he reserved to himself the right of moving for such further documents as he might think necessary for the complete elucidation of the subject. He suggested to that candour which constantly regulated the noble lord's conduct, whether it would not be advisable to alter some of the terms of the motion. For instance, with respect to the names of the artificers discharged; he hoped they did not go out of the kingdom, and if they did not, and were employed, as many of them might be, in merchants' yards in various parts of the country, he thought it might produce much mischief to these men (many of whom had since behaved with the greatest propriety) to publish their names, whilst it could do no good. He objected also to the term mutiny, as he did not think that the combination alluded to, was at the time exactly characterized by that title. With these exceptions he had no objection to the motion,

Earl Fortescue expressed his readiness to concur in the suggestions of the noble lord.

The *Earl of St. Vincent* said, that at the period alluded to, if it had not been for the exertions of the noble lord (*Fortescue*), seconded by Lieutenant-general Simcoe, Major-general England, and other officers, whose names he could not then recollect, the county of Devon, and Plymouth dockyard, would have been in a state of rebellion.

A short conversation ensued as to the wording of the motions.

The *Earl of St. Vincent* thought the names of the men discharged essential.

Lord Melville, on the contrary, considered them as wholly unessential.

Earl Fortescue coincided with the suggestions of the latter.

It was at length agreed to leave out the word "names," and insert "numbers and description" as applicable to the different branches in which the men worked. With these amendments the motions were agreed to.

The *Earl of Darnley* gave notice of a motion for Tuesday, and moved that the lords be summoned for that day. Ordered.

WILKINSON

KILMAINHAM PRISON.

Lord King moved for copies of the depositions of the prisoners in the gaol of Kilmainham, taken before three of the judges of his majesty's court of king's bench in Ireland, who sat there for that purpose, on the 16th and 17th of July last, and also a copy of the memorial presented upon the subject to the lord lieutenant of Ireland.

Lord Hawkesbury wished the noble lord to defer his motion till the next day, as he could not say, at the present moment, whether there might or might not be any objection to the production of the papers moved for.

Lord King had met with so little encouragement in putting off motions, that he thought it would be better to adhere to the present.

Lord Hawkesbury said, that under these circumstances, as he could not at the present moment make up his mind with respect to the motion, and did not wish to negative it without further consideration, he should move that the house do then adjourn.

Lord Greyville thought there could be no possible objection to the production of the papers moved for by the noble lord. In the prison alluded to, persons were confined under the authority given by the suspension of the habeas corpus act, and he thought it of peculiar importance that the information moved for with reference to the treatment of such persons should be granted.

The Lord Chancellor declared, that no man lamented more than himself the necessity that existed for the suspension of the habeas corpus act in Ireland, but the circumstances which rendered that suspension necessary, rendered it also frequently not safe or expedient to grant information with respect to prisoners. As to the motion of the noble lord, it was stated, that three of the judges of the court of king's bench in Ireland sat in Kilmainham prison to take depositions, but it did not appear for what purpose. He perfectly concurred in the motion of adjournment.

The Earl of Derby said it was the business of the secretary of state to give information to the house upon topics like the present when it was asked for, and he thought it very extraordinary that the noble secretary of state should be unable to give any information with respect to the object proposed by the motion of his noble friend.

Lord Hawkesbury could not help saying a few words in answer to the extraordinary speech of the noble earl. All he had asked for was a delay till the next day, in order that he might

might consult with those whom it was his duty to consult as to the propriety of agreeing to the present motion. He could not help also protesting against the practice of bringing forward motions of this nature without any previous notice.

The motion of adjournment was then put and carried.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 6.

The Clerk of the Crown amended the return for the county of Middlesex, by erasing the name of G. B. Mainwaring, Esq. and inserting that of Sir F. Burdett.

On the motion of Sir John Anderson, it was ordered that Mr. Mainwaring and the freeholders of Middlesex may petition against Sir F. Burdett within fourteen days, if they think fit.

An account of the quantity of salt exported from Great Britain was presented by Mr. Rix, and an account of the quantity of sugar imported and exported, by Mr. Irving.

Mr. Baker brought in a bill to enable Mr. Bowyer to dispose by lottery of the pictures in his historic gallery. The bill was read a first time, and ordered to be read a second time, after some objections from Mr. Fuller, which were done away by Mr. W. Smith, who explained the principles of the bill, and lamented that the labours of artists so meritorious had not had a better fate.

Sir John Anderson reported from the committee to whom the petition of the bakers of the city of London had been referred. The committee thought the bakers entitled to an increased allowance of 20d. per sack from the advance on flour, and 5d. from the advance on salt. Leave was given to bring in a bill accordingly.

Sir John Newport gave notice, that on Wednesday next he would move for leave to bring in a bill conformable to the report of the committee on the 1st of June last, on the petition relative to the state of the poor in Ireland.

Sir Charles Price presented a petition from the merchants of London, trading with the merchants of Ireland, praying the repeal of the Irish 6 per cent. duty.

On the motion of Mr. Bernard, the accounts of the expenditure of the sums granted to the Irish grand canal company, and shewing the progress of that work, were ordered to be printed.

The Secretary at War presented an account of the number of men raised under the defence act, and copies of the letters between the secretary for the home department and the lords lieutenants of the counties, relative to the execution of the said act.

IRISH MISCELLANEOUS SERVICES.

On the motion of Mr. Foster, the house went into a committee of supply, for the purpose of voting the usual grants for miscellaneous services and charitable institutions in Ireland. The resolutions passed without objection, except that for granting 7,926*l.* for the expence of publishing proclamations in the Dublin Gazette and other newspapers.

To this *Mr. Fitzgerald* objected. It was silly, he said, to publish these proclamations in the Dublin papers, rather than in the local papers of the counties where the particular offences were committed. It appeared as if the publication were intended as a *bonus* rather than to procure information.

Mr. Foster agreed that some supervision of the application was necessary. It was only the usual sum that he proposed, and the grant was of old standing.

Sir J. Newport had known proclamations published for a length of time after the lapse of the period to which the rewards they offered were limited.

Mr. Denis Browne said a few words in defence of the publication in the Dublin papers, and *Mr. Foster* stated that the continued publication arose from the proclamations not having till lately been charged with duty, which induced the printers of newspapers to insert them when they had no other matter (*A laugh*).

On the vote of 25,000*l.* for the expences of criminal and other government prosecutions in Ireland,

Mr. Fitzgerald objected to the grant. Before the year 1794, the expences of such prosecutions were defrayed by the counties which were interested in preventing the offences, in right of the amercement. It was true two-seventeenths of this charge only were to be defrayed by Ireland; but he would not countenance an unwise expenditure in Ireland, because the charge was to fall chiefly on England. The only object of this grant, and this mode of defraying the expences of prosecutions, was to give an increase of patronage, by the appointment of a crown solicitor to each circuit, instead of one for Ireland, as before 1794.

Mr.

Mr. Foster said that the defraying of the expences of prosecutions in this mode arose from the prevalence of disaffection since 1794, which rendered the expence too chargeable to be borne by individuals, or to be defrayed by local imposition, particularly since the rebellion of 1798.

Mr. Fitzgerald was satisfied to agree to the grant for the object of state offences, and proposed an amendment, limiting it to offences of that kind, on which he at first proposed to take the sense of the house; but after a conversation, in which *Mr. Foster* and *Mr. Ormsby* defended the application of the grant, and *Mr. Fitzgerald* and *Sir John Newport* warmly opposed it, as founded on a view to patronage, and hostile to good policy, the resolution was agreed to without a division; as was one for granting aid to the college of surgeons in Dublin.—The report was ordered to be received the next day.

Mr. Whitbread asked some questions as to the bounty given to induce men to volunteer from limited service to the line, which the Secretary at War said was about nine guineas. The Chancellor of the Exchequer, in answer to some questions from the same hon. gentleman, said, the return of the deficiencies in the militia could not distinguish between the original and supplementary, because such a distinction was scarcely made in any county. With respect to a question as to the number of men raised under the defence act, it was 398 in Scotland, 1520 in Ireland, and 1581 in England.

Lord Henry Petty rose to move, that there be laid before the house a copy of the depositions of the state prisoners confined in the gaol of Kilmainham, in the county of Dublin, taken on oath before the justices of the King's Bench in Ireland, sent for the purpose on the 16th and 17th July last; and also copies of the letters addressed to the lord lieutenant on this subject by the prisoners. At the desire of the Chancellor of the Exchequer, who thought this matter required consideration, the noble lord contented himself with giving notice for Friday.

Sir John Newport gave notice, that he would the next day move for an account of the expenditure of the sums granted to the government of Ireland for law expences from the union to the 5th Jan. 1805.

ADDITIONAL FORCE ACT.

Mr. Sheridan—I rise, Sir, in pursuance of the notice I took

took the liberty of giving on a former day, to move for leave to bring in a bill to repeal the act of last session, intitled, "An act to provide for the better defence of the country, and for the gradual increase of our disposable force." I choose to read the whole title of this act, rather in compliment to the feelings of the right hon gentleman, than to call it by its general denomination, "Mr. Pitt's parish bill." It is impossible for me before I proceed further not to observe shortly on the impression which seemed to have been produced upon the gentlemen on the other side when I thought it my duty to give notice of this motion. Those gentlemen appeared to express surprise, not unaccompanied by some disapprobation, that I should attempt to propose bringing forward such a motion. What excited that surprise I am rather at a loss to conjecture. Perhaps the right hon. gentleman over against me thought that the debate on this subject need not go on any further, conscious, no doubt, that the case stated by my right hon. friend on a former evening was but weakly supported; and that the answer of my right hon. friend who sits near him was quite sufficient, or rather that that answer contained matter so forcible and conclusive—argument and eloquence that overwhelmed us on this side of the house—that gave us such a shock that some time was necessary to enable us to meet it with any effect, to come fresh to the contest. Perhaps too, the disapprobation which was manifested proceeded from this, that it was deemed disrespectful to the right hon. gentleman to press upon him any further discussion of a subject, to the consideration of which he seemed so peculiarly unwilling to proceed. In truth, the right hon. gentleman did appear to be very bashful of this topic, and I am quite sure that he very reluctantly touches upon it at all. Another cause of the disapprobation I allude to, may be attributed to this, that my notice implied a doubt of the force of that reply which the friends of my right hon. friend have been so anxious to extol. It was evidently the supposition of the gentlemen on the other side that the hint should be taken from the disinclination shewn by the right hon. gentleman to enter into this question, and that we should abstain from the performance of our duty. But regardless alike of the feelings of the right hon. gentleman himself upon this subject, as of the surprise or disapprobation of his advocates, I rise to bring forward this motion. It may be said, that any inquiry of mine into the military state of the country

country cannot be necessary, after the very able and comprehensive dissertation we have so recently heard from my right hon. friend on the lower bench, on that subject. With those who argue so I should most cordially agree; but it will be recollected, that in the course of that masterly review of my right hon. friend, he but incidentally noticed this act, which I conceive to be a disgrace to our statute book. It is natural that the gentlemen on the other side feeling this, aware that the act has utterly failed of its object, should disapprove of any attempt to ridicule its imbecility, to put a period to its existence. In endeavouring to accomplish this, some of those common-place censures which are thrown out against men who attempt to oppose any measure for the defence of the country, may be applied to me; but I feel that they are entirely inapplicable, for I contend that the act which it is my object to repeal, is not a measure for the defence of the country; the bill has no such character or tendency. To oppose its continuance, therefore, cannot subject any man to that outcry which it is the fashion to raise against the opponents of measures of a different description. If the proposition I mean to submit to the house had the remotest tendency to injure the spirit, to depress the heart and feelings of the country, in the present emergency, I trust I should be the last man to bring it forward. But satisfied that it is calculated to produce quite a contrary effect, I cannot be dissuaded from pursuing it. Again I repeat, that I cannot conceive the reason why my notice was treated as I have described on a former evening, nor can I anticipate how my motion may be treated this night. To the speech of my right hon. friend on the lower bench, I remember that the right hon. gentleman on the opposite side thought proper to preserve a most resolute and dignified silence. He did not seem to think that it was such as to call for the reply of a minister, and that the answer which it received from my hon. friend was sufficient to content him. I have often heard that the right hon. gentleman was rather an unreasonable, discontented, expecting kind of man; but if he really was contented with the reply of my right hon. friend near him to the speech of my right hon. friend on the lower bench, I must say that he is the most easily contented man I ever heard of. I know that it has been asserted by the advocates of the right hon. gentleman, out of doors, that that reply was complete; but sure I am that no man in this house
who

who heard it ever thought it so, and least of all was it so thought by my right hon. friend himself, who delivered it. I admire the talents of my right hon. friend as much as any man, yet upon the occasion alluded to I could not help observing the difficulty he had to struggle with, the embarrassed and staggering course he made; I was conscious that my right hon. friend felt that he had very little to say to the purpose; that he was sailing against wind and tide; that although the puff of a cheer from his friends sometimes produced a slight swell in his sails, he could make but little progress; that he raised his voice aloud, but produced no impression; that he dropped argument and produced a noise; that in fact he made a fine catamaran speech (*A laugh*), plenty of noise, but little mischief to his adversary at least. What mischief he may have done to the system he would support I cannot pretend to say. Having said so much as to the conduct of the gentlemen on the other side on a former evening, I shall now take notice of some of the propositions of my right hon. friend. I shall confine myself entirely to the military argument. There were some points in the speech of my right hon. friend which I am now unwilling to take up. If I were to dwell upon them, I should have no doubt of being cheered by the right hon. gentleman on the other side. In the wide scope of my right hon. friend's general view, he advanced some opinions from which I differ. In his view of some points in our military defence, I certainly cannot agree with him; but the hon. gentlemen on the other side are much mistaken if they look for any thing from that difference which can afford them any amusement. Whatever occasional warmth I may have shown in animadverting on the opinions of my right hon. friend, I have always felt and acknowledged the grounds of his opinions to be substantially good, and ever disposed to treat them with due deference. Yet I never could bring myself, in some important questions, entirely to concur with him. The volunteer system, for instance, I have ever thought, and do still think, entitled to the highest admiration, and to the particular gratitude of the country. I really do believe that the existence, the number, and the spirit of the volunteers, had more power on the mind of the enemy, had more effect in making him shrink from attempting the execution of his menaced attack, than all our other force. I will not take upon myself to say that I have received any certain knowledge upon this subject, but I have enough to justify

justify me in asserting, that the volunteers produced a most important effect on the resolutions of the French government, and particularly on the mind of Talleyrand; and this was naturally to be expected, for that gallant body served to dislodge the opinion which generally existed in France with respect to this nation. The volunteers shewed most satisfactorily that the "shopkeeping, indolent, luxurious" people of this country were not disposed to roll on their couches in a time of public danger, and trust wholly to an hired army for their defence. Whether the volunteer system was or was not exceptionable in the first construction of it, it must be matter of satisfaction to all men to know this important fact; and it must furnish a ground for peculiar congratulation to the volunteers themselves to find that they had so materially contributed to the safety of the state, and to the character of the country also. For they had convinced the enemy that all his calculations respecting us were unfounded. The volunteers have convinced him of the resolute spirit and unconquerable mind of the nation. I therefore cannot but be proud of the support I have uniformly given to the volunteer system, however much I may regret my difference of opinion with my right hon. friend, with whom I cannot help repeating that I also differ upon another important point; I still retain the opinion that I so often before stated, that the military force of this country ought to be varied, and that great advantages arise from our various descriptions of force. For whatever may be my confidence in the character and disposition of the regular army, I must say, that my opinion has undergone no change; that the people of any country cannot long retain their liberty who trust altogether to an hired army. Some gentlemen, I understand, have said, that it would be imprudent to adopt this motion, that the repeal at present of the act to which it refers would damp the spirit of the country: But I would seriously put it to the candour of those gentlemen, whether it is rational to apprehend that the repeal of an act which, according to the knowledge and confession of every body, has totally failed, could create any dismay? I think the contrary is the rational calculation. But what will be said of the bill when the time and manner in which it was introduced is called to the recollection of the house? When the right hon. author of this bill was out of office, he exclaimed loudly against the imbecility and inactivity of his predecessor; he stated what a force he should produce if

if his plans were adopted. He complained of the limited amount of the force which his predecessor was able to raise. Yet, after all the pompous vaunting pledges of the right hon. gentleman; after all his promises of activity and vigour, when I's come in, what does I do? Can any man say that he has not completely broken his promises to this house and the country? After then the notoriety of such failure, and particularly with respect to this bill; is it not idle and absurd to tell the house that it would be indiscreet, that it would be shocking to mention a word about the failure to the country; that we should keep the thing snug to ourselves? Such a mockery is not to be endured. What, after the only measure which the right hon. gentleman has introduced since he dispossessed his predecessor, has proved inefficient as to the raising of men which was its professed object, to be told that this measure shall still be allowed to go on now that it is entirely become a tax bill! The demand implies extraordinary confidence. Before the right hon. gentleman returned to power, before he had succeeded in removing what he and his friends so often termed the rubbish that stood in his way, we were told much of the extraordinary things that he had in contemplation for the defence of the country. We were told, indeed, that our salvation could only be effected by this great Cæsar; and yet what has he done to justify those assertions?—literally nothing. He may shew a regular army on paper, but whatever really exists is not attributable to him. He has made no contribution towards it, and therefore the hopes excited by his partisans have been wholly disappointed. The house and the country have had ample opportunity of appreciating the right hon. gentleman's powers. The delusion which his advocates had spread no longer exists; it is completely dissipated by the failure of this bill. To talk of concealing that failure from the country is quite nonsense; for in this case the people themselves are behind the scenes, they are under the apron of this great puppet-show, and therefore it is ridiculous to speak of concealing the fact from those who know it as well as we do. The great points to be considered by the house with respect to the motion I have the honour to submit are these; first, has the bill to which that motion refers failed of producing the effect which it professed originally to have in view? secondly, if it has failed, is it likely by its future operation to atone for that failure? and if not, thirdly, would the repeal of it be attended with any

any danger? Now, as to the first point, it is admitted on all hands that the act has completely failed; and it will be recollected that the effects promised from it were not, according to the language of its author and advocates, to be produced by degrees, but at once. The right hon. gentleman vaunted that it was only necessary to place him in power to enable him to raise such an effective disposable army as should qualify the people not merely to defend the country, but "to hurl back the proud insulting menaces of the enemy." It has been observed that my right hon. friend on a former day treated this subject with much levity, which shewed that he really did not consider the state of the country dangerous or requiring such farther measures of defence as he recommended. But however important and grave the subject of our military defence may be, and however necessary it may be seriously to consider every point connected with it, I would appeal to the candour of gentlemen whether, when the lofty promises of the right hon. parent of this bill were compared with the result, it was possible to avoid ridiculing his pretensions? Is not the failure of his promises obvious? If he promised to raise men and could only raise money, did he perform his promise? No, not even so nearly as if he had promised to procure horses for the carriage of the cavalry in the field, and instead of that had furnished oxen to draw the baggage. Let me not then be told that the right hon. gentleman has performed his contract. In order to render his failure evident, it is only necessary to look at the returns on the table of the general state of the army, and of this additional defence act in particular. It will be seen in those returns that the army under the right hon. gentleman's predecessor was not merely not improved by the boasted energy of the right hon. gentleman, but that it was rather deteriorated. I apprehend it will be said that no inquiry ought to be instituted under the administration of the right hon. gentleman, however necessary it was under his predecessor. It is no doubt convenient for the right hon. gentleman's friends to maintain that doctrine at present; but if an inquiry were to take place, I have good reason to think that the right hon. gentleman's administration would be found to be not less defective in the navy than in the army. I have heard it asserted that fifty ships have been added to our naval force since the right hon. gentleman's accession to power; but this I most positively deny. If, however, I was to demand an inquiry,

VOL. I. 1805. 3 M

quiry, to ascertain this fact, I suppose it would be refused, on the ground that the character of the noble lord at the head of the admiralty is such as to preclude the necessity of inquiry—that it is peculiarly entitled to confidence. But more of that noble lord hereafter. I shall now shew, from a short review of the returns on the table, what the exertions of the right hon. gentleman have produced for the army, and how the country has reason to feel from the change which placed the right hon. gentleman in power.

In Jan. 1804 the whole of our army amounted to 191,099
In Jan. 1805 ditto - - - to 143,651

Deficiency - 47,448

In Jan. 1804 the militia - - - 109,947
In Jan. 1805 ditto - - - 85,519

Deficiency - 24,428

Total of army and militia in Jan. 1804 - 301,046
Ditto in Jan. 1805 - 229,170

Deficiency - 71,876

The cavalry in Jan. 1804 - - - 17,172
Ditto 1805 - - - 21,223

Increase - 4,046

The artillery in Jan. 1804 - - - 7,661
Ditto 1805 - - - 8,517

Increase - 856

The foreign troops in 1804 - - - 13,710
Ditto 1805 - - - 21,028

Increase - 7,318

But, notwithstanding the increase in these departments, it could not surely be pretended that that in the foreign corps, for instance, added any thing to the disposable force of this country. What were 5000 men, the amount of the addition at Ceylon, to the kind of force which it was the object of

of the additional force act to raise? or how was the right hon. gentleman entitled to claim any merit from that addition? There was an augmentation, it appeared, of our cavalry and artillery; but there was an actual reduction of the infantry of our regular army, amounting to 853 men; and any augmentation that has taken place in the different descriptions of force I have alluded to, or in the black troops of the West Indies, is attributable of right to the right hon. gentleman's predecessor. The measures which produced such augmentation were in operation before the right hon. gentleman came into office. But with respect to the act under consideration, no increase of our force at Ceylon, in the West or East Indies, has connection with this bill. The object of the bill was to raise a disposable force for England, and in that object it has not succeeded. The addition of 11,000 men to the whole of our military force, in the year 1804, which has been so much boasted of, is, I contend, owing to the provisions of the right hon. gentleman's predecessor, whose administration it was so much the fashion of the right hon. gentleman and his advocates to describe as milk and water, as nauseous broth, &c. But I believe that many of those gentlemen would now be ready to retract their words. Whether they would or not, I feel quite certain that I happened, with some other gentlemen on this side of the house, to be perfectly right in our opinion, that if the right hon. gentleman's predecessor should be removed, an administration much more deserving the character of imbecility, and something worse, would follow. In this apprehension we were but too well founded. The right hon. gentleman had promised and performed nothing. The increase of the cavalry arose from the plan of raising men for rank; the raising of the German legion, and the augmentation of the artillery entirely belonged to the project of the right hon. gentleman's predecessor. The merit of the whole belonged to the noble lord now at the head of his majesty's councils—council I mean (*A laugh*). Whether that noble lord be at present really as well as nominally at the head of the council, I do not mean to inquire, nor do I think it a matter of any consequence. My object is to shew that the right hon. gentleman has disappointed the expectations which his assurances excited; that his abuse of his predecessor was unfounded, and that if he be enabled to send any force out of the country, or to perform any exploit, he owes the capacity of doing so to Lord Sidmouth.

3 M 2

That

That the right hon. gentleman has derived no assistance from the only scheme for recruiting the army which he has proposed, will be obvious from a view of the returns under this additional force act, which, in point of fact, was ludicrously unproductive. From the 5th of July, to the 5th of February, this redoubted bill had only produced 1295 men in England and Wales, 266 of whom had deserted, or been discharged, leaving only 1029 effective men. This was the entire fruit of all these exertions of "local knowledge and sympathetic feeling," from which the right hon. gentleman proposed to obtain so much. For this amount of men had all the lords lieutenants and deputy lieutenants, bailiffs, overseers, constables, and parish officers, been put in motion; for this small number of recruits had little less than 40,000 persons been set to work. Out of the number I have mentioned which were raised under this act, it appears that 323 men have enlisted for general service, which is about $4\frac{1}{2}$ men for each county. Of this number, however, 88 of which were raised for the parishes by the regular recruiting officers, 30 deserted, and 33 were discharged as unfit for service. In Ireland, the return under this act is 1031 men. The zeal of that country was quite satisfied to get on a level with the produce of this, but here it thought proper to stop. Not one, however, of these men has enlisted into the regular service. So much for Ireland. But to return to this country—it seems to be the case that the parishes have seldom, under this act, furnished a good soldier, and particularly in the manufacturing counties. The object of those officers was rather generally to get rid of vagrants—so that the greater number collected from the manufacturing counties were found to desert or to be unfit for service. Of the number raised by parish officers who enlisted for general service, 52 were from Lancashire, half of whom deserted; and what was the case with respect to Kent, where the right hon. gentleman's influence, one would suppose, must be powerful? Why it furnished eleven men, all of whom deserted. But I would beg the particular attention of the house to the produce of the Cinque Ports, with which the right hon. gentleman is so peculiarly connected; where he has so much weight, both in his civil and military capacity; where he is said to be so much adored as a general and as a man. The Cinque Ports have produced one man; and no doubt he is an extraordinary man, if one could see him. He is, perhaps, a Milo or Hercules, and might be equal to the

the numerous produce of another district; as in the fable of the lioness and the sow, where the lioness said to the latter, what signifies your numerous brood? I have but one—*sed ille leo est* (*A laugh*). I remember a story, that after an engagement, some persons inquired for Lord Donegal's regiment, anxious to know its fate; one soldier appeared, and exclaimed, "I am Lord Donegal's regiment" (*A loud laugh*). Perhaps this man from the Cinque Ports would be found *ipse agmen* (*A laugh*). To be serious, I cannot but consider this bill on the whole a disgrace to its author. Though I state this, I would not be understood to insinuate that whatever difference of opinion may prevail on particular points, we are not all of us of one heart and one mind, as to the necessity of providing effectually for the defence of this country. I mean then that this bill is a disgrace from its total inefficacy, and from its mode of attempting to be efficacious. It first goes into the parish as a beggar, and if unsuccessful in begging, it assumes the character of a bully; it tells the parish officer, "if you do not raise the men I desire, I'd advise you to drop out in a certain place, or I'll mulct you to double that amount." To those who complain so much of the parish officers not having done their duty under this bill, I would ask why the privy council did not set them a good example, by doing their duty? Had the privy council done so, the proclamation of Lord Hawkesbury would not have been delayed so long. From this instance of neglect in the privy council I should think it would be necessary in any future acts, where that council should have any duty to execute, that a clause should be inserted to inflict a penalty upon them for neglect. As to the double penalty threatened on the parishes which are deficient under this act, I think the collection of it would not be less difficult than oppressive. This bill was originally said to be for the purpose of expedition, yet, when we complain of its failure in this respect, we are told to wait, that it will still operate what it promised. We have heard a good deal lately of the preparation of carriages, for the speedy conveyance of soldiery, &c. Now; suppose any man came forward and said, "destroy all those vehicles; I have got one on a new principle, that will carry twenty men at the rate of eight miles an hour." Suppose all those carriages were destroyed, and the boaster were relied on. Well, the twenty men get into his new carriage to set off to Windsor; some hours afterwards you meet him and

and the men at Kensington—on coming back?—no, but on his progress, for he had absolutely got no further. Still the boaster would say, give me time and I will yet accomplish the journey. What would you say to such a man? And yet exactly similar is the language which the right hon. gentleman holds to the house with regard to this bill. If a man were to persuade you to throw away your blunderbuss, and offer a gun of his invention in its stead, after hearing the man's praise of his invention, you attempt to fire it off—it misses fire—it burns priming. But still he urges you to keep it to your shoulder, assuring you that it only hangs fire. This you might do for a little time; but what would you think of your man if his gun hung fire for six months, as this bill has done? (*A laugh*) Why really, Sir, it is impossible to look at this bill in any way without laughing at it. The right hon. gentleman proposed that it should furnish a sword and a shield for the country—but it now turns out that this sword is only fit to be a soup ladle, and the shield a fish plate. (*A laugh*). The right hon. gentleman, however, and his friends, attempted to solace the country for the failure of this bill, by asserting, that an addition has been made under his administration to the amount of our naval force; but this I positively deny. I assert that nothing has been added to our naval force, and that the navy itself is in a state much inferior to that in which Lord St. Vincent left it. When we come to examine the fact as to the fifty ships alleged to have been added to the navy under the present admiralty, we shall find that no less than 30 of them were old West Indiamen; that one 50 gun ship that was sent to the Downs was pronounced incapable of keeping the sea, and sent back into port; that another of the new vessels, the Weymouth, sent to convoy some merchantmen with which she could not keep company, was from her not being sea-worthy, incapable of making her way, and therefore kept back the convoy. It would also appear on inquiry that the present admiralty had ordered the purchase of some West Indiamen in the river, which were reported to that board to be incapable of being made fit for use at the time of the purchase, and which were still lying in the river. Such are the ships of war which the present vigorous admiralty has added to our fleet, and they have, against that addition, reduced it by dismantling seven ships of the line and several frigates. By the bye, as a sample of the wisdom of building vessels of war in merchants dock-yards, which the right hon. gentleman once so strongly recommended, all those

those dismantled vessels had been so built, and not one of them had been in use above seven years. The addition of men alleged to be made to the naval service, under the present admiralty, does not exceed 5000. Will then any man attempt to compare the present first lord of the admiralty, in point of vigour and efficiency, with his noble and gallant predecessor? The comparison would be ridiculous, and yet the right hon. gentleman on the other side thought proper, on a former occasion, in reply to a question, in which no allusion of such a nature was naturally called for, to arraign the conduct and character of that highly deserving nobleman. I say it was not fit or becoming in the right hon. gentleman to do so. He had accused the noble lord without affording him any prospect of an opportunity of coming to trial or refuting the accusation. I know that the noble lord is ready to vindicate his character from any charge that can be brought against it, and that he pants for a full investigation of his conduct. If the present administration will not grant him that, and it should become necessary, from the circumstances of the country, to call the noble lord into the service—to raise his flag, with this imputation, cast by the right hon. gentleman, still lying on his character—what, I would ask, might be the consequences to the discipline of the fleet? I am afraid that in such a case the minister would be found to have incurred a deep responsibility to his country. The right hon. gentleman has thrown out a half charge against the noble lord, that he was disposed to tyranny, and what must be the consequence of such a representation upon the discipline and opinion of the sailors who might be placed under the command of the noble lord? Having said so much as to the matter and the effects of this bill, I beg to say a word upon the bill itself. In looking over it, every clause seems to be drawn up with a characteristic degree of confidence. It states, first, that whereas it is necessary to raise 85,000 men; it proposes to raise that number within the year. In the next year it proposes to raise as many men as should be necessary to supply the deficiencies occasioned in the additional force, &c. by enlistments for general service. Afterwards, the bill becomes somewhat moderate, and promises to supply substitutes only for 9000 men each year, which is the estimated amount of enlistment for general service, and the substitutes are not to exceed that number. But the most curious part of this curious bill is, that the parish officers are restrained from

from procuring men beyond a certain distance from their respective parishes, while the regular recruiting officer, who is to provide the men in case the parishes fail, is at liberty to procure those men wherever he can get them. Another singular thing in the act is, that it is not specified what bounty the parish officers shall be permitted to give, whether one pound or ten. This was left at the discretion of government, and therefore ministers may, if they please to render this tax productive, levy the penalty of 20*l.* or 40*l.* according to their pleasure. But it is impossible these penalties can ever be levied, for all parishes in England are the delinquents. This defect in the bill I have just alluded to was, I recollect, corrected in the bill for Ireland, for in that the bounty was limited to two-thirds of the amount of the bounty settled for the regular army. If the right hon. gentleman should say that this money to be raised from the penalties is to be applied to the raising of men, I should reply that that would be no defence for the tax. The right hon. gentleman, indeed, must know that the objects to which it might be intended to apply any tax, would be no argument in favour of that tax. The friends of the right hon. gentleman are generally heard, I understand, to maintain, that although the act under discussion has completely failed, there is yet, in consequence of the respect and confidence due to the character of the right hon. gentleman, no ground for alarm, dismay, or inquiry, as to the circumstances in which we are placed: With respect to the claim of confidence, so confidently alleged, I can really see no ground to sustain it. We have heard much of the inefficient administration of the right hon. gentleman's predecessor, and I cannot perceive any particular difference that has arisen. Certainly the change is such as I cannot describe, nor can, I believe, any body else. At the time the administration of the right hon. gentleman's predecessor was on the decline, the general voice was for what was called a broad-bottomed administration. My right hon. friend on the opposite side (Mr. Canning) expressed a particular wish for the establishment of such an administration, and I firmly believe that he was sincere in that wish. Perhaps others were equally sincere upon that point, but not being acquainted with them I cannot say positively. However, the wish so often expressed by my right hon. friend and so many other gentlemen in this house, and so strongly felt by the country at large, was disappointed. The right hon. gentleman went into office alone—but lest the government should become too full of vigour from his

his

his vigorous support, he thought proper to beckon back some of the weakness of the former administration. He, I suppose, thought that the administration became, from his support, like spirits above proof, and required to be diluted; that, like gold refined to a certain degree, it would be unfit for use without a certain mixture of alloy; that the administration would be too brilliant, and dazzle the house, unless he called back a certain part of the mist and fog of the last administration to render it tolerable to the eye (*A laugh*). As to the great change made in the administration by the introduction of the right hon. gentleman himself, I would ask, does he imagine that he came back to office with the same estimation that he left it? I am sure he is much mistaken if he fancies that he did. The right hon. gentleman retired from office because, as was stated, he could not carry an important question, which he deemed necessary to satisfy the just claims of the Catholics; and in going out he did not hesitate to tear off the sacred veil of majesty, by describing his sovereign as the only person that stood in the way of this desirable object. After the right hon. gentleman's retirement, he advised the Catholics to look to no one but him for the attainment of their rights, and cautiously to abstain from forming a connexion with any other person. But how does it appear now that the right hon. gentleman is returned to office? He declines to perform his promise; and has received, as his colleagues in office, those who are pledged to resist the measure. Does not the right hon. gentleman then feel that he comes back to office with a character degraded by the violation of a solemn pledge given to a great and respectable body of the people upon a particular and momentous occasion? Does the right hon. gentleman imagine either that he returns to office with the same character for political wisdom, after the description which he gave of the talents and capacity of his predecessors, and after having shewn by his own actions that his description was totally unfounded? The house will recollect the high panegyric which he took occasion to pronounce upon the ability of Lord Hawkesbury. That noble lord, the right hon. gentleman asserted, was more competent to the office of secretary for foreign affairs, than any man on this side of the house or in the country—my honourable friend (Mr. Fox), to whom he condescended to pay that compliment, alone excepted; and yet he has now cashiered that noble lord as quite unfit for that office, and turned him down to the office of secretary for the home affairs.—Thus, although the right hon.

gentleman has since undertaken to make such men ministers as he thought fit, has set up no other rule for choosing them but his own will, he stands convicted in the recollection of the house and the country, of an utter incapacity to judge of the abilities of men. How then can the country confide in him, or the cabinet that he constructs? If the right honourable gentleman be so incapable of forming a just estimate of the powers of men with whom he was so familiar as with Lords Sidmouth and Hawkesbury, how can he pretend to speak as to the competency of strangers? How is he able to decide as to the choice of proper persons to fill the several offices connected with the domestic and foreign relations of government? How can the right hon. gentleman be relied upon on these important points? He has given the most glaring evidence of his utter incapacity and ignorance upon points which are essential in forming the mind of a great statesman, and with the notoriety of this evidence he cannot, surely, so flatter himself as to fancy that his introduction to an administration can entitle that administration to the confidence of this house and the country. I will not go minutely into an examination of the characters of the subaltern ministers with whom he is connected, nor shall I call on him to explain what he means by counting noses in a cabinet. He seems to mean that he would not enter into any cabinet where he would be obliged to count noses. But I rather think, that at the time he was in a cabinet with my right hon. friend on the lower bench (Mr. Windham), and a noble friend of mine in another house (Lord Grenville), noses were counted, and I can see no reason why the right hon. gentleman should pretend to be exempt from such counting, or should attempt to do it away altogether, unless, like the nose of the man at Strasburgh, alluded to in *Tristram Shandy*, he imagines his own nose of much more importance than that of any other man. But to return to the right hon. gentleman's extraordinary claim to confidence, I maintain that it is quite unfounded, particularly because, for the reasons I have stated, he has returned to office with a diminished character and a recorded conviction of incapacity. If then the right hon. gentleman be so convicted, and has no claim to confidence, where shall I find grounds for it among his colleagues? As to the noble minister of war (Lord Camden), I presume he is no wiser than when I described his pretensions before. The noble lord (Castlereagh), who sits near the right hon. gentleman, stands in rather an odd way in the present administration, as he did in the last. From him, indeed, the cabinet can derive no brilliancy. The lord chancellor,

cellor, I suppose, possesses the same knowledge in the present cabinet, as he did in the last. Here there was no go change, and I presume that the right hon. gentleman has not yet discovered that that noble lord is ignorant of the law. Now with respect to Lord Mulgrave, who is chosen to fill that office, the duties of which, according to the right hon. gentleman, no other man in England but Lord Hawkesbury and my honourable friend was competent to discharge, I should be glad to know in what the superiority of that noble lord consists? That noble lord, I recollect, was at Toulon, into which he got through the treachery of some of the people of the town. Whether he managed well or ill there, it is not my business to inquire, nor is it material to ascertain. The noble lord has now got into a "state of comfortable security" (alluding to a phrase of the noble lord's in a dispatch from Toulon) to which I cannot conceive him to have any claim on the score of ability. But there is certainly one thing in favour of the noble lord, and I say it without any partiality to him—he has not had any character from the right hon. gentleman (*A loud laugh*). That certainly pleads for him, and gives him a decided advantage over Lord Hawkesbury, who had the misfortune of suffering so much by the character given of him by the right hon. gentleman. As the right hon. gentleman has not said a word to recommend the noble lord's ability for the foreign office, he stands some chance of being qualified for it. There is a noble duke in the cabinet also who seems to be introduced as an ornament. This noble duke appeared ready to fill a place in any cabinet; no minister could be distressed for a person to fill up a vacancy in his cabinet, while this obliging personage was to be found. Indeed, however the reservoirs for the army have failed, there seems to be of late a reservoir for ministers which cannot fail; you have only, it appears, to turn a cock, and out pops a minister. So far as I have gone, at least the comparison will not be denied to be rather in favour of the feeble administration of the right hon. gentleman's predecessor. But then I am told, there's the first lord of the admiralty—"do you forget the leader of the grand catamaran project?" Are you not aware of the important change in that département, and the advantage the country is likely to derive from that change?—Why, I answer, that I do not know of any peculiar qualifications the noble lord has to preside over the admiralty, but I do know that if I were to judge of him from the kind of capacity he evinced while minister of war, I should entertain little hopes of him. If, however, the right hon. gentleman should say to me, Where else would you put that noble lord?

Would you have him appointed war minister again? I should say, Oh no, by no means—I remember too well the expeditions to Toulon, to Quiberon, to Corsica, and to Holland, the responsibility for each of which the noble lord took on himself, entirely releasing from any responsibility the commander in chief and the secretary at war. I also remember that, which, although so glorious to our arms in the result, I still shall call a most unwarrantable project—the expedition to Egypt. It may be said, that as the noble lord was so unfit for the military department, the naval was the proper place for him. Perhaps there were people who would adopt this whimsical reasoning. I remember a story told respecting Mr. Garrick, who was once applied to by an eccentric Scotchman, to introduce a production of his on the stage. This Scotchman was such a good humoured fellow, that he was called “honest Johnny M'Cree.” Johnny wrote four acts of a tragedy, which he shewed to Mr. Garrick, who dissuaded him from finishing it, telling him that his talent did not lie that way; so Johnny abandoned the tragedy, and set about writing a comedy. When this was finished, he shewed it to Mr. Garrick, who found it to be still more exceptionable than the tragedy, and of course could not be persuaded to bring it forward on the stage. This surprised poor Johnny, and he remonstrated. “Nay, now, David (said Johnny), did you not tell me that my talents did not lie in tragedy?” “Yes (replied Garrick), but I did not tell you that they lay in comedy.” “Then,” exclaimed Johnny, “gin they dinna lie there, whare the De'il dittha lie, mon?” (*A loud laugh.*) Unless the noble lord at the head of the admiralty has the same reasoning in his mind as Johnny M'Cree, he cannot possibly suppose that his incapacity for the direction of the war department necessarily qualifies him for the presidency of the naval. Perhaps, if the noble lord be told that he has no talents for the latter, his lordship may exclaim with honest John M'Cree, “Gin they dinna lie there, whare the De'il dittha lie, mon?” (*A loud laugh.*) With regard to the military system, I must confess that I am a friend to it. The high bounties have been complained of, but this evil does not originate in the system itself, but from the abuse of the system. But when you expect a higher degree of discipline in the militia than is consistent with the nature of that service, when you carry the troops to a great distance from their homes, the bounty must be in proportion to the service required. I cannot conceive a more meritorious character than that of the men of property, who leave their

their homes and their comforts to bring to a proper state of discipline these regiments; but when you break your faith with the troops, when you put them in situations where it is impossible for them to refuse compliance with your unreasonable proposals, when you place them in the way of snapping their fingers in the faces of their officers, is it wonderful that a high bounty should be demanded? They have been entrapped into foreign service, they have been sent to Holland, to Egypt, and other places, and it is natural that the bounties should rise to an extraordinary height. I would say one word more on the recruiting for rank. It does appear to me that there can be no objection to it, when you cannot easily procure men in any other way. In such a case, there can be no serious harm in ushering brave young men forward a little quicker than by the ordinary steps. Besides, the more the ranks of the army are filled with men of property and independence, the less jealousy need be entertained of it; and the more we may be disposed to regard it with affection. Another point which has been before insisted upon by my right honourable friend (Mr. Windham) is the enlisting of men for a limited time. Considering the reasonable and advantageous nature of this proposition, it is astonishing to me that it yet remains to be done. There can be no doubt that his majesty would consent to this if advised to it by his ministers. Since then the hon. gentleman's great plan has failed, why not attempt this one? This would undoubtedly procure men, and it comes recommended by every argument of humanity and justice. It is improper to enlist poor boys for life, perhaps before they well know the nature of the engagements they are contracting. It is improper in a constitutional point of view, for it is right that those who fight for the constitution should have an opportunity of enjoying its benefits. What do they know of the constitution, according to our present military system? I do, indeed, believe that it is the best on the face of the earth; but it is so much the more unfortunate that our soldiers should be ignorant of its blessings. Suppose they were sent in their earliest years to a foreign country, and there told to fight for their country and constitution; they would be informed, that they fought for the most glorious constitution, and the most excellent country in the world; but then they must be sensible that they are never to see it, and what in this case does its excellence signify to them? But if the soldiers were made sensible of the benefits of our constitution, and brought to indulge the hope of being

being permitted to enjoy its blessings, if they should be taught to look forward to the indulgence of one day sitting under the shade of this spreading tree, of being refreshed with the fragrance of its blossoms, and of tasting its fruit, then the great complaint of high bounties, and a want of men, would be done away. Now, Sir, I would call the attention of one set of gentlemen particularly to this subject. I would request the country gentlemen to consider it *de novo*, and say whether they can submit to the unjust tax that is imposed by this measure on the landed property of the country. Next, Sir, I would address another set of gentlemen, those who supported the predecessor of the right hon. gentleman; for their concurrence in the motion which I am now about to propose. I gave that noble lord my support, feeble as it was, from a conviction that he was pursuing those measures which were best calculated to promote the interests of the country, and because he kept the right honourable gentleman out of office. My support had nothing interested in it; of that the noble lord is himself convinced, and so is he from whom I could not separate without causing a schism in my own heart. But I call upon the noble lord's friends, those whom he headed in opposition to this very measure, to support me on the present occasion. I ask then if the noble lord himself had not been placed in the other house, if no reconciliation had taken place, is there a man among his adherents who would not vote with me on this occasion? This bill only operates as an impost tax. At this moment when taxes are so heavy, and when it is so desirable that they should be borne with patience and willingness, care is to be taken that they be imposed in a just and impartial manner. I have seen the day when the country gentlemen were more independent, and more powerful in the house. But there is another thing which is blamable in the conduct of the right honourable gentleman's administration. The country gentlemen have not only lost a great deal of their independence, but the peerage has been degraded. During the seventeen years in which the right honourable gentleman continued in administration, almost a moiety of the house of peers are of his creating. These, for the most part, were not created for any great public services, but merely for the convenience and assistance which they afforded to ministers. It is impossible that these things can go on much longer with safety to the constitution. I would not willingly dwell upon the circumstance of the preponderance which the right hon. gentleman has given to the commercial interests over the land-

ed.

ed. I do not wish now to give any express opinion on that subject; but one thing is certain, that it has created an anomaly in this country, which is, an assembly governing a large tract of territory (the East Indies), which is not subject to the people of this empire. I do intreat, that on this decision gentlemen will lift themselves above all considerations of party, and vote against this measure, which is found to be inefficient. This is the only way in which we may be sure of inspiring our friends with confidence, and our enemies with fear. This is the way in which we may expect to bring the present arduous contest with the most daring, the most enterprising enemy with whom we ever had to contend, to a safe and honourable termination. The present question puts all this at issue. If gentlemen vote with me on this occasion, then our own country will have a proper confidence in our own exertions. Europe will be satisfied that the hands and the hearts of the nation are engaged in our measures. Foreign nations who may join us, will be confident of firm and active support; and we may then with boldness bid defiance to all the efforts and machinations of the most ambitious, the most savage, the most powerful, and most unprincipled foe that ever attempted to disturb the peace of the world, to overturn the unrivalled constitution, and destroy the unequalled blessings of a great, a free, and a happy people. Mr. Sheridan concluded with moving that the additional force act should be read. This being ordered to be entered as read, he moved the repeal of the said act.

The Chancellor of the Exchequer—It is not my intention, Sir, to follow the hon. gentleman through all those various digressions, through all those multiplied observations, which in the course of his speech he has thought proper to introduce. The greater part of these had no sort of connection with the question more immediately before the house, and were evidently introduced for the purpose of giving the hon. gentleman an opportunity of shewing how much he was capable of contributing to the entertainment of the house by illustrations which had no possible relation to the subject proposed for our present consideration. But though I view those parts of the hon. gentleman's speech as unworthy of any detailed reply, and shall not, on that account, long trespass on your attention; there are one or two of the preambles to his speech which I feel it necessary shortly to advert to, before I enter on the consideration of the motion with which the hon. gentleman concluded his speech. The hon.
gentleman

gentleman thought proper to advert, in the first place, to that surprise which the notice of his motion when it was first announced had created on this side of the house. The hon. gentleman, perhaps, found it convenient to suppose that such surprise existed, merely with the view of turning it to the advantage of his own argument; but it is proper that the house should fully understand to what he had alluded. I, for my part, know nothing of the surprise to which the hon. member has alluded, but I know that the hon. member's notice was not, in the first instance, given within the doors of this house. When it was first given, I have reason to believe that the only emotions which it excited were those of satisfaction; and when it was renewed in this house, I can testify that it excited a cry of exultation. There was every reason to think that when the right hon. gentleman opposite (Mr. Windham) brought forward his motion, his friends were not by any means pleased at the manner in which the discussion was closed. It was with reluctance they divided on the occasion, because they were not afforded an opportunity of delivering their several opinions. They could not help voting when the question was so loudly called for, and though the hon. member who this evening opened the business has paid high compliments to the right hon. gentleman's eloquence, there can be no sort of doubt that he was not satisfied without an opportunity of displaying his own powers on so fertile a subject. The hon. gentleman indeed sufficiently shewed, from his conduct on the former debate, that he was not satisfied with the manner in which the debate was terminated. It was not for nothing that the hon. member had taken so many pages of notes, not, perhaps, with the view of answering the right hon. gentleman's speech, but certainly for the purpose of explaining his own peculiar views of subjects touched on in that speech, had not some discreet mediator dissuaded him from the resolution which he had previously formed. It cannot be imagined that these notes were taken for the purpose of answering the arguments of my right hon. friend (Mr. Canning), for ten days of preparation have elapsed before the hon. gentleman has thought himself in a situation to attempt this with any thing like plausibility or success. In following this course the hon. gentleman was no doubt encouraged by many of his friends, who were not satisfied with the right hon. gentleman's view of the business, who flattered themselves that the hon. gentleman would

would take up much more popular ground, and who looked forward to the prospect of triumphing under his banners. Whether these anticipations will be realized, will best appear, after we have fairly entered on the discussion of the subject. Respecting the surprise to which the hon. gentleman referred, I shall only add, that on this side of the house no feeling was entertained when the resolution of bringing forward the present motion was announced but one, that we were ready to enter on the discussion at whatever period it might best suit either that or any other hon. gentleman to introduce it. Now, as to the second of the hon. gentleman's preambles, which was evidently intended to conciliate the right hon. gentleman, I feel it necessary to make a few observations. The hon. gentleman begins by assuring his right hon. friend that he has no wish whatever to state opinions contrary to those which he had laid down in his speech, and thus attempts to lull asleep all apprehension of a wish to interfere with his favourite doctrine. But hardly is this opiate given, hardly are the compliments to the right hon. gentleman's talents and eloquence uttered, before the hon. gentleman enters on a series of observations, all of which are calculated to awaken the jealousy of his right hon. friend, and to destroy even the fundamental principles of that military system in which he took so warm an interest. If he had carefully selected topics for a difference of opinion, it is not easy to see how any could have been laid hold of to mark out a more complete contrariety of opinion. The hon. gentleman has this day expressed himself in terms of the highest approbation of the variety of our military force. Now, the right hon. gentleman founded his whole military system on its uniformity, and maintains that the divisions of volunteers, of militia, and of regulars, constitute at once its disgrace and its inefficiency. The right hon. gentleman wishes the volunteer establishment to be discarded, while the hon. gentleman glories in being its advocate and champion. Here then, on the one hand, the house are called on to look to the volunteer establishment as discarded and exploded, while on the other it is not only defended, but extolled as the grand source of the security of the empire. This surely is a pretty glaring evidence of a difference of opinion, and I leave the house to form their own reflections on the subject. But while it is impossible not to advert to this difference between the two hon. members, I cannot help observing, that the hon. gentleman need not

have recourse to all that delicacy which he has used on the present occasion. It so happens, that on every one of the leading points, on which the right hon. gentleman's speech on a former occasion was founded, the right hon. gentleman's opinions had undergone a most important revolution. He now differs as much from himself as it is possible for the hon. gentleman to do on any of the matters which he has this evening touched on in his speech. The augmentation of the militia, the plan of raising provisional cavalry, the measure of obtaining men for rank, as well as the call on the parishes for their quotas, all of which measures the right hon. gentleman now so strongly censures, were measures adopted when he himself was along with me a member of the cabinet, and at the same time was actually secretary at war. I shall not now attempt to go much into the question, how far the opinion of the country is to be guided by the opinion expressed by an individual of acknowledged abilities and consideration. But this I feel myself entitled at least to say, that if any man, as minister, not only assents to, but actually brings forward measures as a member of the cabinet, and thinks proper, after an interval of a few years, severely to censure the same measures when he is out of power, the confidence of the country in his opinion must be materially diminished. Now, Sir, in the year 1796, the right hon. gentleman not only assented to all the measures I have just alluded to, as a member of the cabinet, but joined me cordially in bringing them forward, and was willing to take his full share of all the responsibility attached to them, either in this house or in the country. He was then as much as possibly could be their parliamentary author, and now he feels himself called on to condemn them in terms of the utmost severity. Thus much I have thought it my duty to say as to the hon. gentleman's preambles. Of his numerous digressions I shall have occasion to say a few words before I sit down, but shall, in the mean time, proceed to the real question before the house. Before I go further, I beg leave to disclaim at the outset, the view of the question before the house, as the hon. gentleman has thought proper to state it. The question is not whether the bill has, in all its extent, fulfilled the object for which it was originally designed; but whether it has answered its end to a certain extent, and whether, from the experience of its past effects, it would be better to give it a further trial, or to accede to the hon. gentleman's motion for its repeal. I
fully

fully avow, when I speak of the utility of the measure, I speak of its utility for increasing the numbers of our regular army. The hon. gentleman, on the other hand, affects to view it merely as a tax, solely as a bill for raising money. As a bill for raising men, the hon. gentleman asserts that it has produced no effect, and cannot produce any effect, and it must, therefore, be solely with a view of raising money that it is continued. Now, to this assertion my answer is simple, unequivocal, and direct. I always disclaimed the idea of the bill being considered as a bill for raising money, and never attempted to defend it but as an instrument for recruiting with the greatest expedition our regular army. The hon. gentleman has thrown out a hint about withdrawing the bounties from the parishes, and in that way rendering it a money bill. This is really a sort of proceeding so disgraceful and abominable; a sort of proceeding so utterly out of the contemplation of his majesty's ministers, that I am astonished it has ever been alluded to. I ask support to the bill solely on the ground of its being a measure for the augmentation of our military force, and as it appears calculated to promote this important end. The moment it ceases to produce any effect, or to hold out any prospect of accomplishing this end, then I shall certainly feel myself bound not merely to oppose, but actually to move its repeal. In one sense, indeed, the bill operates in a pecuniary way by the penalties which it inflicts on those parishes by which their quotas are not provided. But even in this view of it, it is far from being attended with peculiar severity. On the contrary, it suspends the penalties of the army of reserve act, and substitutes in their room others of a milder form. It is, indeed, impossible to conceive any thing milder than the act is in its present application, unless, as is not pretended to be either just or expedient, the penalties were to be wholly removed. The hon. gentleman, in speaking of the effect of the bill, seems entirely to have lost sight of one circumstance very important to be considered, which is the period when the bill first came into activity. From whatever causes this arose, I shall not now stop to determine; but certain it is that it was not till the 14th of November that orders were first given for general recruiting to supply parishes where deficiencies existed. It is, therefore, to the operation of the bill since that period, much more than to the effect it had produced in the preceding months, that we ought fairly to apply for an opinion of its merits.

merits. Looking then at the last three months, I find that on an average of each week, there have been nearly two hundred recruits obtained. Thus taking three months as an average, the result would be, that under the operation of the bill, it would produce an annual addition of betwixt nine and ten thousand men. I ask, then, with such a statement as this before us, if we can think of listening to a proposition for repealing the bill just at the moment when it should come into full activity? The hon. gentleman has thought proper to say that not one man has been raised by the bill, and the right hon. gentleman maintained that its effects have been altogether inconsiderable. But, sir, I will ask these gentlemen and the house, whether the effect which I have hinted at, be not one of very considerable magnitude? Whether it be not, in fact, nearly equal to the whole of the recruits obtained by the ordinary means of recruiting? On this simple ground I might almost exclusively rest the merits of the bill, and ask the house whether the bill was one which ought to be rashly and inconsiderately discarded?—But I feel it my duty to take a fuller view of the subject. It appears as far as experience has proceeded, and as far as we can possibly judge from that experience, that we may reasonably expect an addition every year of no less than nine or ten thousand men to our regular forces; and are we then to be told that the measure has proved altogether inefficient? It is true, from the experience of the three months I have referred to, I cannot pretend to form a conclusive opinion, but certainly I have a much better right than the gentlemen on the other side to offer an opinion on the future effects of the bill. As far as experience extends, these three months are a pretty good proof that the bill has answered its end, and a tolerably fair presumption that it will continue to answer its end still more successfully in future. It is true, that the same favourable result may not continue to be experienced, but with stronger probability I may say, that results still more favourable may be experienced. Let gentlemen consider under what circumstances the bill has hitherto operated, and they will see that this is no unreasonable anticipation. Let them reflect what has been the drain of men on the country for the last eighteen months. Before the war was actually declared, the militia was to be raised, and after the war the supplementary militia and the army of reserve. Here there were nearly a hundred thousand men to be raised by ballot. If then, under the unfavourable

unfavourable operation of these circumstances, the bill has produced the effects which I have described, what may not be expected from it when these circumstances are removed? One great evil which the bill was intended to destroy, was to remove those excessive bounties which the army of reserve had created. While the recollection of these high bounties exists, it is not to be imagined that moderate bounties can have had a fair chance of success. When, however, the memory of them is in a certain degree obliterated, which it must of necessity be, I entertain no sort of doubt that the bill will be found fully adequate to all the purposes for which it was framed. We are therefore hitherto not entitled to calculate its effects in all their extent. I have stated what probability justifies, and what actual experience has proved; and therefore I have completely succeeded in proving that the reasons adduced by the hon. gentleman, in support of the repeal, ought not for a moment to be entertained by the house.—The hon. gentleman has attempted to argue that the measure is not at all calculated to produce the end it professes to have in view; but in what manner he has supported his arguments I leave it to the house to judge. The hon. gentleman seems totally to forget that hitherto the bill has operated only on a partial and limited scale. It has been applied only to the deficiencies in the militia or the army of reserve. Its effects have not been felt all over the great bulk of the kingdom. Where it has hitherto been tried, it has had to encounter very formidable obstacles. It has been applied chiefly in those districts where men could with the greatest difficulty be found, and therefore it is the less to be wondered at, if it has not answered in all their extent the wishes or expectations of those who originally supported it. Even under all the hazard of the penalties for the army of reserve and the militia, the men could not be procured in the places to which I have referred; and I will put it to the candour of gentlemen, whether, if the bill had been even less successful than it has been, it would have been at all a matter of astonishment? To all these circumstances, let me add the industry with which the statement of the total failure of the bill has been circulated over the country, the circumstance of its having last session encountered violent opposition, and being carried by a small majority, accompanied by the expectation that it would certainly be repealed on the meeting of parliament. When, however, these prejudices are dissipated, when

when the country see that parliament are determined to give the measure a fair trial, when they have every reason to think that it is meant to be a permanent part of our military system, I have no hesitation in expressing my conviction that it will fulfil the most sanguine expectations of its most zealous supporters. If any thing further were wanted to prove that the bill has not yet got this fair trial, it would be the consideration that in no case yet have the penalties of the bill been imposed. It becomes, however, a matter of consequence to have it understood that they certainly will be imposed; and I venture to predict, that even the knowledge will go a considerable way to giving the bill all the effect which I hope it will be found ultimately to produce. At present I have no doubt that in several districts sufficient exertion has not been employed to procure the required quota, from an expectation that the penalties would not be enforced. When, however, they are fully apprized of the contrary, they will feel it necessary to make new efforts, and if these efforts are properly directed, there can be no question about procuring the necessary quotas. The measure then, sir, has not been hitherto fairly tried, and I certainly shall not part from it, unless reasons much stronger than those which the hon. gentleman has condescended to use shall be employed, and unless the events of the remainder of the year prove that my expectations of its future effects turn out to be unfounded. But I am accused of disappointing the house and the country, by holding out, through the medium of this bill, the prospect of a most rapid and extensive increase of our regular force. Now, as to this statement, I have to offer a few observations, and I beg leave to say that I never held out any such expectations, I never did give any such pledge, I never said that I looked to this measure solely as the means of recruiting our regular army, I never argued that this measure was exclusively to furnish us with a disposable force. Let me remind the house shortly of the circumstances under which the measure was produced. The hon. gentleman, in his observations, seemed to insinuate that I was hostile to the general principle of the army of reserve act. Now, this is a most gross misrepresentation of my views on this subject. So far from disapproving of that measure, I approved of it cordially, and I am in the judgment of the house, that I supported it in the most strenuous manner. That act certainly did produce a large accession to the army, and, on that account, was,

was a most important measure. But it was attended with many very serious inconveniences, in raising the bounties, in discouraging direct enlisting into the regular army, and in promoting desertion. Those who felt all these inconveniences, and who were at the same time convinced that the penalties were excessive, thought that some milder act should be substituted in its place, that the exertions of gentlemen, parochial officers, and local zeal, would produce effects as important as local activity. These were the grounds on which I originally presented the measure, and on the same ground I continue of opinion that it is in the train of accomplishing all that was expected from it. But I never did give the house reason to think that I expected any rapid or immediate augmentation of our regular force from its operation. I did state that the bill would give us a strong chance for increasing our regular army in addition to the means which previously existed. I did state that the bill would not have the effect of interfering with any of our existing modes of recruiting the regular army, or of preventing the adoption of any other suggestions which gentlemen might feel it their duty to bring forward on this most important subject. But on the subject of a great additional force alluded to by the hon. gentleman, I must beg leave also to make a single observation. I thought I had on a former occasion sufficiently expressed my opinion as to what appeared to me the quantum of force which I thought necessary to our national security. I did on a former occasion distinctly declare my conviction that we had already in point of quantum of force nearly as great a number as the circumstances of the empire required, and I added that what we then wanted was a disposable force. How far we have or have not got this disposable force, will presently come to be a matter of consideration. But, sir, to shew the house clearly that no very great addition to the military force of the country was meant suddenly to be obtained by the bill, let me only call on gentlemen to look to the bill itself;—they will there find that in the first instance only nine thousand men were to be raised for Great Britain. How different is this from the representation given by the hon. gentleman in the course of his speech? From the observations of the hon. gentleman, I am strongly inclined to think that he has not given himself the trouble of consulting more than the outside of the bill, for if he had at all considered it with the least care, he never could have supposed that I meant the bill

bill in the course of one year to raise the enormous number of eighty-five thousand men. In the first instance there was only a deficiency of twelve thousand men to be supplied, and the bill was to operate in producing a permanent force in a gradual way, and could not be expected to produce its full effect in less than three, four, or even six or seven years. I have attempted to shew the house on the simplest principles, that the bill may be fairly expected to produce an annual addition of nine or ten thousand men to our regular force, and that this effect has already been produced under a complication of the most unfavourable circumstances. I confess, seeing what the bill has already done, and looking to what it is capable of effecting, I anticipate from it the most important and happy results. I am really astonished at the language of the hon. gentleman, and those who join him in support of the repeal. I confess it has never been my fortune within the walls of this house, to hear any proposition so arrogantly and so vehemently brought forward, which had so little even of the appearance of argument to uphold it. The principal object of the bill was in the first instance to do away an evil which had become the subject of general complaint. Has it not produced this effect? Has it not relieved the counties from excessive burdens? Has it not lowered the excessive bounties which had brought regular recruiting almost to a stand? And has it not in this way become a most important auxiliary to the augmentation of our disposable force? Will it be attempted to be denied, that recruiting is now going on with fresh spirit, since the evil of excessive bounties has been removed? The hon. gentleman has drawn a very strange picture of the state of our regular army, and has even endeavoured gravely to maintain, that since last year it has received no sort of addition or extension. I am really at a loss to know where the hon. gentleman has been able to collect this information, for sure I am, it is not to be obtained from the papers on the table. But the hon. gentleman seems so wholly intent on the repeal of this obnoxious bill, that he will not suffer his mind seriously to consider the subject in all its relations. Surely it is but fair that the hon. gentleman, who seemed so much disposed to look back to the period when the bill was not in a state of operation, should look to the time when it is in full activity. This however the hon. gentleman seems to have no disposition to do, but satisfied that the measure is bad,

bad, he will not give himself time to see whether or not it actually does aid the regular recruiting. Now, sir, as to the state of our disposable force at present, compared to what it was the preceding year, a very short statement will afford the house the clearest view. Here the right hon. gentleman entered into a statement to shew, that we had this year in disposable infantry, cavalry, and artillery, in addition to what we had last year, about twenty thousand men. After this he proceeded: Surely, sir, this is no discouraging prospect, no illustration of the assertions of the hon. gentleman that the state of the army is neglected; this is no argument to prove that the bill is that obnoxious, inefficient measure which the hon. gentleman and his friends are so eager to represent it. The statement I have made is not indeed a direct argument in favour of the bill; but it is, at least, a strong proof that the bill is not calculated to injure the regular recruiting, but, on the contrary, to assist it in the most advantageous manner. It assists it by removing existing impediments, by destroying enormous bounties, by putting a stop to the operation of the ballot, out of which high bounties necessarily sprung. I wish gentlemen seriously to consider in what state the recruiting now is, before they are so clamorous for the repeal of the bill. Why, sir, I find in the month of February alone, no less than fourteen hundred and ninety-five recruits obtained. But it is not to that month alone that I wish them to confine their attention. I have already mentioned that the number of men added to our disposable force during the last year, up to the first of January, was twenty thousand. Of these, eleven thousand eight hundred and eighty-two have been added since June last, that is within a period of seven months. The whole of the addition for the preceding year was only twelve thousand for a period of twelve months. As far as experience can guide us, we have reason to think that we shall have annually eight or nine thousand added to our regular force by the operation of the bill, and according to the proportion of recruits obtained in the month of February, supposing the same proportion to go forward, we should have a total of fourteen thousand six hundred and eight. Admitting that, to these were added eight thousand others who volunteered in the course of the year from limited to unlimited service, we should have in one year an addition to our disposable force of no less than twenty-six thousand men. When I say this, I beg to be clearly understood as giving no pledge

that such a number will actually be obtained; but I only say that, if the recruiting shall go on, as there is reason to expect it will, a number nearly equal to that may be reasonably expected. Now that the impediments to the recruiting are principally removed, and that an impulse has been given to the service, we have every ground for hope on the subject. When we consider with what rapidity, almost indeed unexampled, the new levies had been completed; what a spirit had been exhibited during the last and several preceding years; what was the large amount of the addition to our disposable force; when we reflect on all these things seriously, how can any gentleman come forth and maintain that our military system is quite inefficient? I am at a loss to conceive on what principles they act, and am unable to see how they can seriously stand up and hold assertions, when facts so powerfully demonstrate their fallacy. I shall now, sir, beg leave to make a few remarks on some of the extraneous matters which the hon. gentleman has thought proper to introduce in the course of his speech, and the first of these is, the state of the naval defence of the country. I am not prepared to say, what could have induced the hon. gentleman to allude to this subject, unless it be that they were suggested by what fell from my right hon. friend (Mr. Canning) on a former evening. But what my right hon. friend then said, was introduced only incidentally, and not with any view to provoke discussion. All that he advanced was, as far as my recollection goes, that the country, in consequence of the state both of our naval and military defence, was not now in that state of danger to which it had been formerly exposed. On this slight foundation the hon. gentleman thinks proper to attack the present state of the naval defence, and directly attacks some expressions of mine on a former evening, respecting the noble person lately at the head of the naval department. Now I certainly cannot think this the proper period for going into this discussion. It is quite clear, that it could not be gone into this evening with the least prospect of advantage to the noble person concerned, or the public. I shall, on that account, only make a few observations. I must say then, that whatever I felt on the subject of the conduct of the late board of admiralty, I now feel; whatever I formerly stated I have found to be confirmed. I shall never shrink from making such a declaration, when I am convinced of its truth; nor shall any man dictate to me in what

what way, or at what time I am to make it. But the hon. gentleman appeared to condemn me for making the declaration. With all submission to him, however, I would submit to the house, whether it would have been manly or candid, if continuing to retain the same sentiments, I had hesitated declaring them. The hon. gentleman, however, wishes to know why, if I entertain such sentiments, I do not bring forward a charge against the noble person concerned. To this my answer is simple and conclusive—I do not feel that any charge is required. The noble lord has been removed from his office, and I have no wish to cherish hostility against individuals. No man has a higher opinion of the professional talents of the noble lord than I have, or of the eminent services he has rendered the country. I am convinced that the noble lord was guilty of errors in his management of the civil concerns of the navy; but I know also, that his eminent services are not to be cancelled by these errors. As to the present state of the naval defence, I shall not now enter on the subject; but content myself with saying, that when the regular inquiry is moved for, I am ready to meet it. I know that the greatest professional men in the kingdom have been consulted, and every thing has been done which they recommended. The hon. gentleman talks of a few ships unfit for use, purchased by government; but has he taken the trouble to gain accurate information on the subject? Has he endeavoured to make himself acquainted with the activity exerted by the board of admiralty to repair old ships, to lay down new, and to expedite every part of the naval department? The hon. gentleman seldom condescends to favour us with a display of his extraordinary powers of imagination and fancy, but when he does come forward, we are prepared for a grand performance. No subject comes amiss to him, however remote from the question before the house. All that his fancy suggests at the instant, or that he has collected from others; all that he can utter in the ebullition of the moment; all that he has slept on and matured, are combined and produced for our entertainment. He presents us with all that his common-place-book can furnish or anecdote supply. We have at once all that imagination, fancy, passion, jest, gravity, satire, virulence of abuse, or strength of assertion can combine, so blended and so diversified, but so discordant, that our only wonder is how they were ever brought together. All that the hon. gentleman has been

treasuring up for days, for weeks and months, is sure to make its appearance at this grand exhibition. Thus it is with his usual felicity that the hon. gentleman finds a new argument for the repeal of the present bill, because the house and the country have less confidence in the present than even in the late ministers. On this point too, I shall say but a few words. If the hon. gentleman really thinks ministers unworthy of the confidence of parliament, he has means of founding a motion for some proceedings on this subject; but let me conjure the house, whatever they may think of me, not to wound the public service by repealing this bill, merely by doing so to injure the minister. Whether I possess the confidence of the parliament and the country or not, certainly this is not the mode of determining it. But it is rather whimsical that at the very moment the hon. gentleman is saying that I do not now possess the confidence of the parliament and the country, he is paying me an involuntary compliment, by owning that at least I formerly enjoyed that confidence. It is, however, rather unfortunate that there is not a single opprobrious epithet which the hon. gentleman has now employed against me, which on almost every disputed point he did not lavish on me at that very period when he allows I possessed the confidence of parliament and the country, a confidence then expressed by four-fifths of this house, and nine-tenths of the country. The hon. gentleman has thought proper to allude to the composition of the ministry, and here I must again beg leave to waive the discussion. I desire the house and the country to look to the connections, to the constitutional agreements or differences, to the habits, to the general views of those who compose the present administration, compared with other connections of certain hon. gentlemen on the other side, and then I am ready to abide by their candid decision. The hon. gentleman takes a great deal of merit to himself for the generous, magnanimous, and disinterested support which he afforded a noble friend of mine (Lord Sidmouth) while at the head of affairs. I will allow that the hon. gentleman did support my noble friend with a few speeches and votes, probably when they were not wanted, and my noble friend is doubtless under obligations to him for his magnanimity. I suppose, however, the hon. gentleman was not at all backward in giving his votes, when my noble friend was forced to resign the helm of affairs, and in this most likely he displayed his
disinterested

disinterested conduct. The hon. gentleman next passes on to another noble friend of mine (Lord Hawkesbury), who, according to a phrase which I can find no where but in the school of jacobinism, was *cashiered* from being secretary for foreign affairs, to be secretary for the home departments. On this arrangement it will not be necessary to say any more than a very few words. I have only to say, then, that the whole arrangement was at the express desire of the noble lord, and could never have been proposed on any other ground. My friendship for that noble lord was never for a moment suspended, and if it can admit of increase, it is only increased by late confidential relations. These topics have been improperly brought into discussion, and I have unavoidably been led a little into digression. I could not consequently have said less; but I should have been excusable if I had said more upon them. With regard to the supposed severity of this measure, and the peculiar interest the country gentlemen have in it, and the compliment the hon. member paid them for their independence, the manner in which he did it was not very conciliating to them by the allusions he made to the supposed influence of ministers over them, by calling the most wealthy into another rank. I feel there is no foundation for that remark. I feel there is now in this house as much of that sturdy independence, as much of that zeal and ardour for popular rights and liberties, as much determination to support them on all fit occasions, as ever existed within these walls at any period of our history. I feel also, that such men will not listen to the declaration of the hon. gentleman, by which he would wish to separate them from the rest of this house; but that the country gentlemen of this day are, like their justly renowned ancestors, sincere in their professions that they will defend his majesty, and support the constitution, under which they enjoy so much freedom and happiness, with their fortunes, and, if necessary, with their lives, in bringing to an honourable termination every just and necessary contest in which this country is engaged; and that they will not abandon that pursuit, on account of a few common-place observations on taxes, when they know them to be necessary for our common support, and without which our contests cannot end, as they have done, most gloriously for Great Britain. The right hon. gentleman concluded with giving the motion his decided negative.

Mr. Windham declared that he could not help remarking how

how very naturally and willingly the right hon. gentleman had deviated from the subject before the house, and had made excursions from it to other topics with which it was by no means connected. The right hon. gentleman had first endeavoured to point out diversities of opinion between him and his hon. friend who opened the debate, and then between him and himself, on former occasions. On the former of those supposed diversities of opinion, the right hon. gentleman had remarked with such violence, as must have induced persons who had not heard the speech of the hon. gentleman who opened the business, to suppose that he had attempted to conceal that any such diversity existed. Such, however, was well known to the house, and such had been particularly marked by his honourable friend that night in opening the debate. If his hon. friend and he had not been aware that such diversity of opinion did exist between them, even on the subjects on which the right hon. gentleman had particularly dwelt, calculating on the distress and embarrassment under which the right hon. gentleman seemed to labour that night, he did not think they could have had recourse to a better hand than that right hon. gentleman, to instruct them how they might best reconcile the most contradictory doctrines. There was nothing inconsistent in his hon. friend, who thought that a variety of force was not detrimental to the military service of the country, and in him who thought otherwise, agreeing that there was nevertheless a necessity for going into a committee on the military defence of the country. It had been stated by him the other night, that the volunteers were not the force on which we ought at present to rely alone, and in this opinion he had reason to believe his hon. friend and he were not so much at variance as was generally imagined. That, however, was a subject with which, like the former, they had nothing at present to do. They might like or might dislike the volunteer system; but whatever was their opinion on that subject, it had nothing to do with the propriety of going into a committee to see what might be done more effectually for the defence of the country, or with their concurring in the repeal of the act then under discussion, as being essential to the enactment of a measure of greater efficiency. When fundamental points, on which a diversity of opinion had been entertained by gentlemen in that house, did not present themselves for consideration, it would be rather too hard to say that they were not entitled to

to acquiesce in any other points connected with the subject, by which, nevertheless, in the opinion of both, the end which they had mutually in view was likely to be attained. As to his own individual diversity from himself, with which he had been charged by the right hon. gentleman, he could only declare, that his opinions on grand constitutional points had never varied, and were during the whole time of his union with the right hon. gentleman the same as they were at the present moment. He had adhered to his opinions—the right hon. gentleman had deserted his. The right hon. gentleman need not suppose that he had forgot what had passed during the period in which he was in office along with the right hon. gentleman. Whether he was a party or not a party to those measures, he would now speak of them according to the impression and conviction the result of them had left on his mind. He could not be answerable, more than the house, for the measures which had then passed; but whether he had since changed his opinion, or they had not been agreeable to his opinion at the time, and he had felt himself precluded by the situation which he held from putting a bar in the way of what had been resolved on by the cabinet in general, it would be subversive of moral feeling and principle, that when he came to see the inadequacy or mischievous tendency of any acts to the passing of which he had in any way been accessory, that he should be bound up from afterwards declaring his change of opinion? Such, he conceived, was not to be required of any person holding a situation in the management of public affairs. But the right hon. gentleman, in a climax of triumph, had clinched his argument against his (Mr. Windham's) responsibility, by stating that he was then even secretary at war. He confessed he had a good share in carrying on the war business out of doors; but he declared that he had no more to do with the bills alluded to, in his capacity of secretary at war, than if he had been secretary to the board of agriculture. But what had been the conduct of the right hon. gentleman? Did it not go to a condemnation of every one measure of which he had been the original projector? Was not the ballot system of his introduction? Who ever heard of such enormous bounties as had lately been common, till they necessarily followed from measures recommended by the right hon. gentleman himself? The right hon. gentleman had, indeed, profited a little by the suggestions of him and his friends. He wished

he had carried their schemes farther; and he was satisfied if he had wished to profit by experience, he had sufficient opportunities of doing so from the errors of his own administration. The principal ground, however, on which he had, from the beginning, objected to the bill was the oppressive and dangerous tendency of the practices which it was calculated to encourage. The harshness of the measure itself could never, in his eyes, have been done away, had the bill been ever so successful. On no principle could it be contended that parish officers were to be esteemed better recruiters than any other, as they were totally unfit to be recruiters at all. In their hands nothing but harsh and improper means of fulfilling their tasks could be expected to be resorted to. Let us look to the practices in our own metropolis. Was it not a fact, that a number of poor Irishmen, making merry at their own houses, in that affecting kind of festivity which the day they were celebrating rendered doubly sacred, had been attacked by that busy and vexatious spirit which characterised some of our police magistrates; had been accused of the worst of crimes; had been left all night in prison; and, afterwards, some of them driven into exile—the worst of exile was the sea, to a man who had not been bred to it; and this because they could not give satisfactory accounts of themselves; or, in other words, were poor men? Was there law, he would ask, in this kingdom, for such a stretch of authority? Was it to be found even in the court of exchequer chamber, with all the judges of the land assembled to give it sanction? Yet such had been the conduct of inferior magistrates of this metropolis; and was he not right in his original fears expressed on the subject of this bill? and was he not now again entitled to urge, that such would be the species of law which the arming parish officers with the powers of this act would naturally produce? Was he not even justified in supposing that the parish crimps might have persons present who might procure this sea to be changed into a military service; and, of course, that those very men who were thus illegally dragged from their own homes, served to augment the list for last month, which had been lately laid on the table, or would make their appearance in the next return? There was another reason, however, on which it was apparent that the bill was not deserving of support. With all its objectionable internal features, it had failed of effecting its object. Had it been told at the time, that this bill would have done no more than it has effected in the space of time it has been in operation, would any person have been foolish

foolish enough to vote for its passing? And should they now, when the right hon. gentleman himself admitted its failure, but, on calculations from the rule of three, conjectured what it might produce if allowed an additional experimental trial, agree to continue so harsh, mischievous, and unproductive a measure? An experiment, as he had always understood it, meant a thing in which success was not anxiously looked for, but only some line was wished to be pursued by which future practice might be regulated. Such, however, would not apply to the present question. They could not consent to be put off with experiment after experiment, merely to gratify the projector. The right hon. gentleman, however, lorded it over the regular recruiting, and alleged that his mode had been equally successful, if not more so, than the old mode of recruiting for the army. That, however, was one of the main grounds on which he had from the beginning reprobated the right hon. gentleman's measure. He had stated all along, and it was now confirmed by experience, that so far from being an innocent bill, not only could it do no good itself, it had even impeded the recruiting, by not only continuing but even enhancing the bounties. The right hon. gentleman had complained that the measure had, in some respect, been treated with ridicule. He could not help thinking that there never was a thing so much entitled to be treated with ridicule, nor one where ridicule was so much a test of truth. If gentlemen had exerted themselves to devise any thing which should be calculated to excite ridicule against the government, what could they have invented more likely to produce it—the mere intention of recruiting the regular army by parish officers? After dwelling on the inefficacy of the measure, he concluded by declaring that he would have conceived the bill a bad measure if it had even succeeded. It would, in his opinion, have gradually cut up and undermined the ordinary recruiting for the army. It had, however, so completely failed, that he was convinced every gentleman who came up from the country in the beginning of this session, expected it would have been one of the first acts of the right hon. gentleman himself to move for its repeal.

General Norton wished the act to be adhered to.

Mr. Langham would vote for the continuance of the act; but, in doing so, he should not pledge himself to vote against the administration.

Colonel Stewart was in favour of the act, until an entire new plan should be introduced for improving the army.

Mr. Whitbread expressed much surprise at many of the assertions made use of by the right hon. gentleman (*Mr. Pitt*), and still greater surprise that on a question of such importance no one should have spoken on the same side but the right hon. gentleman himself. He was anxious to have heard the sentiments of a noble lord opposite to him (*Lord Castlereagh*), and of a learned gentleman still in office (the Attorney General), both of whom were members of the late administration, but now connected with the right hon. gentleman. Amidst that silence, and however inopportune he might rise, he must at least observe that the right hon. gentleman had abandoned the principal and sole ground on which he seemed to rely for the success of the measure. Not a word did he say of that enthusiasm, of those sympathies which were to form its soul, and which were to induce men to enlist, as by the operation of magic, and to accomplish the original object of the act in one year. All these grounds of his former hopes he appeared to have completely abandoned; and by so doing he had in reality given up the whole virtue and efficacy of the act. Why then not agree to the repeal of it, and endeavour to propose a substitute? In three months after the passing of the act, it was to have raised 18,000 men, but it was soon found the machine would not go on, though all the ministers, with *Lord Hawkesbury* at their head, put their shoulders to it. What was the result? Ministers suspended its operation till the 15th November, without any other authority than that of the secretary of state. Such is the mischief which is observed to arise from the complexity, the unintelligibility, and the impracticability of such acts of parliament. These were the causes of its failure, and not any indisposition on the part of the community. The assessment of the penalties was suspended on the 15th November, and it was only on the 18th February that orders were issued to assess them. Is it not then clear that the original principle of the bill was relinquished, and that its operation is now limited merely to the assessment of the penalties? Then it has not hitherto operated as it was expected to do; nor will it ever operate so, or be attended with any effect but that of an unjust, oppressive, and unwarrantable assessment. Then it is money only, and not men, that it endeavours to raise. An act so oppressive was never enacted by any legislature. Why not repeal it, as it could not be effective? As to the volunteers (he was one himself), he did not think so highly of them as his friend and many other gentlemen; he however thought

thought them capable of every thing that could be reasonably expected from them in their present situation. But they were not now in as great number as when the bill first passed. They were then computed at 480,000 men. The idea of such a force created perfect security in some minds. They now however amounted to only 366,000 men. The lopping off of the 120,000 did not seem in the least to diminish the security they before excited, it was still as perfect as ever. Was it not absurd to exult over the number of this force in the gross? for whatever improvement in discipline they may have made, they could not yet be supposed to have reached the wished-for degree of perfection. As to the situation of the country, he thought the invasion was as much, or more to be dreaded than ever. The enemy had accumulated their forces, and the attack was, therefore, more formidable; and circumstances have since occurred to prove that we cannot prevent that accumulation; the attempts made to prevent it have acquired no credit for those who planned, or those who endeavoured to execute them. They have only served to convince the enemy that we are unable to annoy them. Besides, two squadrons have lately escaped from the French ports, in spite of the vigilance of our navy; nor does it appear that any information has yet been obtained of their destination. Then where is our boasted security? is it not less than last year? Every thing, in short, tends to shew the impotence of the bill, and the deterioration of our national force. The repeal of it only can lead to an effectual and timely remedy.

Mr. Bragge Bathurst thought it would be unbecoming in him to remain silent after the call that had been made by the hon. gentleman who had brought forward the motion, or those who had opposed the bill. Though he opposed the measure in the first instance, he did not deem it proper that it should be repealed before it received a fair trial. If it should be repealed without the trial which parliament had intended, there would not remain any thing to be trusted to but the voluntary zeal and spirit of the country. As to enlisting for a limited time, many different opinions prevailed amongst high military authorities, and, for his part, he thought it impracticable. He considered the measure rather as an act of parliament than with a view to the intentions of the proposers. The fines were the next point objected to; but unless these should be enforced the bill would not have a fair trial, and the right hon. gentleman had said, that if the

bill should operate only as a financial measure, he should give it up. The hon. mover had called on those who opposed the measure, to support his motion; and as the call was not so much from that hon. member as from those with whom he acted, he should ask what right they, who had never given any support to the persons to whom the appeal was made, had to call for their support? The hon. member had asked whether they could upon their honour, laying their hands upon their breasts, declare that under certain circumstances they would vote for the bill. Such an appeal was unparliamentary, and he should not therefore ask the hon. gentleman, who boasted much of the support he had given, perhaps with some temptations, though he believed he had never given that administration a vote, what he would have done under other circumstances? For himself he could conscientiously say, that before he had heard of the event of the statement made that night, he should vote as he then meant to do. He knew that it was not either his own wish, or that of his connexions, to give a litigious, harassing, or vexatious opposition to his majesty's government, and that they were performing a painful duty in opposing the first act of that administration. He then adverted to the object of the motion, as not being so much the discussion of the question as to procure a change of ministers; and he contended that those at present united in the government, were more likely to act cordially together, than those on the opposite side of the house, who neither were agreed on the present subject, nor upon any other.

Lord A. Hamilton and Mr. Fuller each said a few words in favour of the motion.

Mr. Tierney enumerated the different measures that had been adopted by the late administration, to which he belonged, to meet the exigencies of the country, in which he had concurred; and from all he had seen since, he had no reason to alter his opinion. It might be said that this opinion he continued from obstinacy; and it had been urged that the bill ought to be allowed a fair trial, but he never wished the bill to be adopted, or to have been tried at all. The right hon. gentleman had stated that this measure would have the effect of altering altogether the whole military system of the country, and therefore in a constitutional point of view he thought it objectionable, and this objection no trial could remove. He thought the fines a most grievous oppression. To enact them was as much as to tell the parties, that if they did not prevail upon a certain person to do an act not dependent on

on the men, they should be liable to a certain penalty. Men were not willing to take under fifteen guineas, and the bill told the parish officers that a fine of twenty pounds would be laid on unless they should prevail on the men to accept of ten. The vote he should give for the motion was to maintain his consistency, and in doing this he should be paying a tribute to that administration whose measures would be remembered with gratitude by the country, when the party spirit of the present day would be entirely forgotten.

Mr. Fox said, that at so late an hour, and after the very ample discussion the subject had already obtained, he should detain the house with but very few remarks. A right hon. gentleman (*Mr. Bragge Bathurst*) had said, that it was not fair to ask him to state upon his honour what would have been his conduct with respect to any measure in different circumstances; and that it was sufficient for him to give his honest opinion of it when it came before him. It was true, indeed, that a difference of circumstances might produce a difference of sentiment. The right hon. gentleman had last year stated his sentiments on this bill; and though he did not choose to state what the sentiments of himself and his noble relation (*Lord Sidmouth*) on the subject were, previous to the late arrangement in administration, there hardly could be a doubt that they had formed some opinion in the course of the summer. The right hon. gentleman said too, that he and his noble relation were resolved not to engage in a litigious, a vexatious, and a factious opposition to government. Doubtless they would not engage in an opposition which they themselves thought so; and they might fairly suppose that others would not do so, or at least confess that their opposition was litigious and vexatious. But the distinction of the right hon. gentleman was erroneous. He did not think it litigious and vexatious to oppose a measure before it had been tried at all; but he seemed to think it litigious and factious to support a motion for the repeal of a measure which had been tried and had failed completely. He said too that those who opposed a war did not always move for peace. This was true, because it was not an easy matter to repeal a war like an act of parliament; and when a war was commenced, it was not practicable at every moment to obtain peace, nor might it be prudent to move for it. But surely this case had no analogy with that of an act of parliament which experience had condemned; a measure which, professing to raise men, imposed only an oppressive and unequal tax on the community. It had

had been insinuated by the right hon. gentleman (Mr. Pitt) that on the division on the motion of his right hon. friend (Mr. Windham) he, Mr. Fox, had exhibited something like sulky disappointment at the result of it. He was not conscious of any such feeling; but if it was considered that last year upwards of two hundred members had voted for that motion, and that this year the number was reduced under one hundred; when it was considered that the right hon. gentleman, by whom he was so little in the habit of being supported, and of whose support, therefore, he was so covetous, had on that occasion voted for his motion, and that without any change of affairs, except this very bill; had this year voted against a motion precisely similar, it would not have been surprising if some degree of chagrin had been felt. Frequent allusions had been made to differences between members on the opposition side of the house, yet surely the differences upon the volunteer system particularly were not now for the first time announced; and last year, though fully as great as now, they had formed no objection to the right hon. gentleman's voting along with men so differing, for a committee of the whole house to consider of the military defence of the country. Those differences, indeed, it was never attempted to disguise; but he believed that on the ministerial side more pains would be taken to perfect the coalition, and all sides, no doubt, would bring with them a pleasing disposition to be mutually convinced, and to make up past differences. But what reason had Mr. Pitt to throw out taunts against the junction of opposition? Did he find fault with that junction last year; a junction without which he (Mr. Pitt) probably would not have sat where he now is, the country would have been deprived of his services, nay, probably, would not have had the benefit of that bill, now so tenaciously defended? Surely, then, the right hon. gentleman, of all men, ought to make no complaints of that coalition.

— Non aliam venturo Neroni.

To this coalition alone was the right hon. gentleman indebted for his present situation. With respect to the question of coalitions, his right hon. friend (Mr. Windham) had said enough to repel any charge of that kind. He (Mr. Fox) had always been of opinion, that unless public men could be persuaded to lay aside their animosities on past transactions, which did not necessarily influence their conduct in different circumstances, it would be impossible that this government could subsist, at least such as it was established at the revolution.—

For

For instance, what was there to hinder those who had differed about the American war, to agree as to the policy of this country towards American independence? Or what was there to prevent those who had differed about the last French war, from concurring in the measures necessary to be adopted in another war? But what was the coalition of the right hon. gentleman with those he had last year opposed so warmly? Had he not publicly branded his predecessors as incapable and imbecile? Had he not insinuated that they had as little honour as sense? And had he not restored all those incapable ministers to the ministry, with all their unfitness? But to come to the bill itself. Before he proceeded to examine it, he must take notice of an observation, that besides the merits of this bill, the improvement of our naval situation had been so great as of itself to be an argument against any inquiry. Upon that subject, on which the right hon. gentleman affected to be so confident of triumph, an opportunity should in some shape be afforded him in the course of the session to shew how far his boasts were well founded, and probably it would turn out that there, as well as in the military department, ministers had very little cause to exult in what they had done. The object of the bill was to raise "forthwith" a considerable number of men. But what had it done? About 18,000 men was the deficit to be supplied in the reserve act, and 9,000 more were to be added before October 1805, being in all 27,000 men. In fact, however, it appeared from the papers on the table, that in England not more than 4,700 would on the ratio of the men hitherto raised be obtained. If the right hon. gentleman did not specifically promise to raise 27,000 men, the whole tenor of his speeches, his charges of imbecility against his predecessors, and his declarations of the necessity of an immediate addition to our force, clearly shewed that a prompt and effectual increase of our force was the object of this bill, and this object had completely failed. Here Mr. Fox entered into a statement of the returns, from which he deduced that 4,700 was all the men that would be raised before October 1805. But it was said that it was not till November that the bill was put in execution; if so, whose fault was it? But, in fact, the bill had been begun to be executed in September, and on the date of its return of men up to the present time, it could not in the whole produce more than 4,700 men. It was said too that the bill was carried by a small majority, and that it had to encounter the effect of that opposition. He did not believe that any obstacle whatever, arising

arising from this cause, had been opposed to the bill. But had he not warned the ministers not to push this bill against the sense of the majority of the English members of parliament, because the measure could not be advantageously brought forward against the sense of the public at large? It was said too that expectations were entertained that the bill would be repealed. But what sort of defence of a measure is it to say that its absurdity was so palpable, its inefficacy so manifest, that all men believed it would be repealed, and is not this to acknowledge, rather than to palliate the failure?—In truth, had those circumstances now pleaded in apology for the inefficacy of the bill been stated when it was first under discussion, they must infallibly have produced its rejection. But it is argued that the bill is only yet on trial.—It was stated by the noble lord now at the head of his majesty's council (for the right hon. gentleman is exceedingly tenacious of the singular number on this occasion), when the measure was first proposed, that it might be postponed. But it was contended, that there was no room for delay. Yet surely if the bill was not to be put in execution till winter, as is now said, there could have been no reason against delaying the passing of it till winter too. The right hon. gentleman had disclaimed the bill as a tax; but if the menace of a pecuniary fine did not produce men, what was the effect of penalty but a grievous, a monstrous species of taxation? and if continued, it could have no effect but to perpetuate that injustice. But the bill had assisted the recruiting for the army. In what manner had it done so? Was it not merely by the negative part of it, by suspending the competition and the high bounties? That was recommended by his right hon. friend Mr. Windham and himself, and yet that which is now held out as one of the merits of the bill, was ridiculed as an absurd imagination. Such are the shifts to which the advocates of the bill are driven for arguments in its defence. It was clear, indeed, that hitherto it had done nothing, and never could prove of any utility. Could it then be denied that the measure had been tried and had completely failed?—In truth, whatever efficient force there was in the country was to be ascribed solely to the measures of the imbecile ministry, and the friends of that ministry did not hesitate to claim that merit for them. The right hon. gentleman, therefore, was in fairness bound to recant and abjure those opprobrious charges he had so clamorously made against the late ministers, his present colleagues.—If, indeed, he did not do so in words, he did

did so by facts, for to their measures alone he had trusted, and the only attempt made to add to what they had done, had proved utterly nugatory. The right hon. gentleman was bound too, in fairness to the opposition who had assisted in the overthrow of the late ministry, deeming them unfit for their stations, to shew that he is more able, more vigorous, and energetic than they were. He was called upon by his own honour and reputation, to furnish some better proof of his superior claims to the confidence of the nation, than such a miserable bill as the present; for it never could be imagined that a measure so feeble and impotent was the offspring of an efficient minister, or of great and powerful talents. Mr. Fox concluded by giving his cordial assent to the motion.

Lord Castlereagh replied to Mr. Fox, and stated that, upon an average of the last six weeks, the bill had produced 203 men per week. The bill therefore was going on progressively to answer all the purposes for which it was intended. It should likewise be recollected, that this measure did not take away recruits from the army, but was subordinate to the regular army; and that all the recruits obtained by it were clear gain.

Mr. Johnstone rose to reply to Lord Castlereagh, on his statement of the military force, but the cry for the question was so loud, that we could not distinctly hear his arguments.

Mr. Sheridan was not surprised that the noble lord had felt so forcibly that he and his friends had been called upon for some answer, and for their reasons for still supporting this bill. If they had given no answer, it might very fairly have been inferred that it was because they had nothing to say. In their answer, however, they took care to avoid the main objections, that it was unconstitutional in its principle, and that it had completely failed in its effect. The noble lord, however, conceived that the argument of the bill not having been fairly tried, was too strong for the great abilities of his hon. friend (Mr. Fox) to combat. He had forgotten, however, that the greatest part of that hon. gentleman's speech was entirely directed to this very point, and to prove that there was nothing to be hoped or expected from it. In Ireland, where it was said the bill had produced men, the fact was, that not a man had enlisted for general service, which was the professed object of the bill; and in England, if the number raised by regimental recruiting was subtracted, it would appear that there had been no more than 787 men raised by the parish officers according to the provisions of the bill, and when it was considered that the promise went as far as raising 27,000 by

this time. He then observed, that the right hon. gentleman (Mr. Pitt) had complained that he had used harsh and strong language towards him; although he was a warm speaker in the house, he never harboured much personal animosity against any man; he supposed, however, the right hon. gentleman meant to contrast his language with his own singular gentleness and meekness of manners, his moderation and total abstinence from sarcastic or biting remarks. He had stated that he (Mr. Sheridan) had wandered entirely from the subject; that he appeared to know nothing of the bill, except its title, and that he appeared to have heaped up a collection of jests and sarcasms to throw out upon him. If his speech, however, had been so very ignorant and unworthy of the serious attention of the house, there was no occasion for the right hon. gentleman to jump up immediately to reply to it himself.

"Nec Deus interit, nisi Deo vindice nodus,"

was a maxim well understood by that gentleman. The right hon. gentleman had attacked him for bringing charges against his colleagues, who were not in that house to defend themselves: he had taken up the glove for the first lord of the admiralty. For his part, he had really a respect for that noble lord as a man of business, that did not pretend to more talents than he possessed; but there were many differences between him and his predecessor in office; he had no occasion to be at his desk by four o'clock in the morning examining abuses; but, on the other hand, he went in a boat to superintend, or rather to judge with critical eye of the explosion of his own catamarans. At Walmer Castle, he and his right hon. friend had another Alexander's feast. Whether they had a Timotheus of their party report does not say; the jolly god, however, was not absent. There, like Alexander, "they seized a torch with fury to destroy," and if they did not succeed, perhaps it was because there was no Thais at Walmer Castle. But (continued Mr. Sheridan) the right hon. gentleman (Mr. Pitt) has thought fit to charge me with insincerity in the support I gave to the late administration. I say that this charge is contrary to the fact: I gave my support to it with the utmost good faith, and I know that Lord Sidmouth has always been ready to acknowledge it. But, supposing I had not supported him with fidelity and firmness; what then? I never had professed to do so, either to that ministry or to this house: I approved of their measures, and I thought besides, that their continuance in office was a security against the right hon. gentleman's return to power,

power, which I always considered as the greatest national calamity. If, indeed, I had, like him, recommended Mr. Addington to his majesty and the public, as the fittest person to fill his high situation, because it was a convenient step to my own safety, in retiring from a station which I had grossly abused, and which I could not longer fill with honour or security: if, having done so from such unwarrantable motives, I should have tapered off by degrees, from a promised support, when I saw that the minister of my own choice was acquiring a greater stability and popularity than I wished for: and if, when I saw an opening to my own return to power at a safer period than when I had left it, I had entered into a combination with others whom I meant also to betray, from the sole lust of power and office, in order to remove him; and if, under the dominion of these base appetites, I had then treated with ridicule and contempt the very man whom I had just before held up to the choice of my sovereign, and the approbation of this house and the public; I should, indeed, have deserved the contempt of all sound politicians, and the execration of every honest private man; I should, indeed, have deserved to be told not merely that I was hollow and insincere in my support, but that I was mean, base, and perfidious.

The house then divided:

For Mr. Sheridan's motion	-	-	127
Against it	-	-	267

Majority for the minister - - - 140

About four o'clock in the morning the house adjourned.

List of the above Minority.

Adair, R.	Brooke, C.
Andover, Viscount	Bunbury, Sir T. G.
Andrews, Miles P.	Byng, George
Anson, Thomas	Calcraft, J.
Astley, Sir J.	Calvert, J.
Babington, T.	Cavendish, Lord George
Bagenel, Walter	Caulfield, Hon. H.
Baker, W.	Chapman, Charles
Bamfylde, Sir C.	Coke, Dan. P.
Barclay, George	Combe, H. C.
Barlow, F. W.	Cooke, Bryan
Bouverie, Hen. E.	Courtenay, John
Brogden, J.	Creevey, Thomas

Daley, D. Bowes	Lawley, Sir Robert
Dolben, Sir W.	Lemon, J.
Douglas, Marquis	Lemon, Sir W.
Dundas, C.	Lloyd, J. M.
Dundas, Hon. C. L.	Macmahon, J.
Dundas, Hon. G. H. L.	Maddocks, W. A.
Dundas, Hon. L.	Markham, J.
Eliot, William	Martin, R. (Galway)
Erskine, Hon. Thomas	Middleton, W.
Ebrington, Lord	Milbanke, Sir R.
Fane, John	Milner, Sir W. M.
Fellowes, R.	Moore, G. P.
Fitzgerald, Right Hon. J.	Moore, P.
Fitzpatrick, Right Hon. R.	Morpeth, Viscount
Foley, Hon. A.	Morris, Edward
Foley, T.	Mostyn, Sir T.
Folkes, Sir M.	North, Dudley
Folkestone, Viscount	Northey, William
Fox, Hon. C. J.	Newport, Sir John
Francis, P.	Ord, William
Geary, Sir William	Ossulton, Lord
Giles, D.	Palk, Sir Laurence
Grenfell, Pascoe	Palmer, John
Grenville, Right Hon. T.	Peirse, H.
Grey, Hon. Charles	Pelham, Hon. C. A.
Hamilton, Lord A.	Petty, Lord Henry
Heathcote, Sir G.	Plumer, William
Hippisley, Sir J. C.	Ponsonby, Right Hon. W. B.
Holland, Henry, jun.	Poyntz, William S.
Hughes, William Lewis	Proby, Viscount
Hulkes, James	Pulteney, Sir William
Hurst, R.	Pitches, John
Hutchinson, H. C. H.	Raine, Jonathan
Lewis, T.	Russell, Lord William
Johnstone, George	St. John, Hon. St. A.
Ker, H. Gervas	Scott, Joseph
Kinnaird, Hon. C.	Scudamore, J.
Knight, R. Payne	Shelley, H. L.
Ladbroke, Robert	Shelley, T.
Langham, James	Sheridan, R. B.
Langton, W. G.	Smith, William
Latouche, J. jun.	Somerville, Sir M.
Latouche, R.	Spencer, Lord R.
Laurence, French	Stanley, Lord

Tarlton

MARCH 7.]

MISCELLANEOUS.

Tarleton, B.
Temple, Earl
Tierney, Right Hon. G.
Townshend, Lord J.
Tyrwhitt, Thomas
Vansittart, George
Walpole, Hon. G.
Walpole, Hon. H.

Ward, Hon. J. W.
Western, C.
Whitbread, S.
Williams, Owen
Windham, Right Hon. W.
Wynn, C. W. W.
Young, Sir W.

HOUSE OF LORDS.

THURSDAY, MARCH 7.

In a committee of privileges, Mr. Adam was heard for Lady Henry Fitzgerald in support of her claim to the Ross peerage; Mr. Romilly appeared for Sir Thomas Windsor Hunlock, who in consequence of the death of his father, since the claim had been instituted, now appeared as a party, and was allowed till that day se'nnight to produce evidence of his client's birth, and of the marriage of his father and mother; to which day the farther consideration of the claim was postponed.

The *Lord Chancellor* left the woolsack to call the attention of their lordships to some matters which were likely soon to be discussed in the committee of privileges, and which might incidentally form a point of law for their lordships' consideration and decision. What he meant to allude to, were certain claims set up for a right to vote at the election of Irish peers to sit in the imperial parliament. These claims might be supposed to originate in letters patent, granted before Ireland was declared independent in 1782, and granted, not under the great seal of Ireland, but under that of Great Britain. These claims to which he alluded did not aspire to a right of the peerage itself, but merely to the privilege of voting at the election of such peers as were to be returned to represent the Irish peerage. These considerations the noble and learned lord thought it proper to throw out, in order that noble lords might come with due preparation to the discussion of the matter, whenever it might come under their lordships' consideration. With that view he should think it expedient to postpone till Thursday the committee of privileges, which stood for 'Tuesday;' and he should therefore move, that the order be made out for that day. Ordered accordingly.

The 22,500,000*l.* loan bill, and the additional postage duty bill went through a committee, and were reported.

A gen-

A gentleman from the secretary of state's office in Ireland presented an account of the bank of Ireland notes in circulation on the 15th day of each month, from January 1804, to February 1805, distinguishing those under 5l. Ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, MARCH 7.

Mr. Johnson, from the office of the chief secretary of Ireland, presented a list of pensions on the Irish establishment granted in the year 1804. Ordered to lie on the table.

Mr. Bulley, from the exchequer office, gave in at the bar an account of the sums of money which have been issued by his majesty's orders, and which have not yet been made good by the house. Ordered to lie on the table.

Mr. Kinnaird presented petitions from Perth, Stirling, and Dumfermline against the late corn law, which were severally ordered to be laid on the table.

The second reading of the bill for laying an additional duty on husbandry horses was put off till Monday.

The sugar drawback, the legacy stamp duty, and the Isle of Man trade regulation bills were each read a first time, and ordered to be read a second time the next day.

The report of the property tax bill was brought up. A clause was added for exempting the trustees of funds vested in their hands for charitable uses only, from the operation of the bill.

The third reading was fixed for the next day, with an understanding that it should be further postponed if other business should take up the attention of the house to a later hour than would be convenient for members to enter on the discussion of the merits of this bill.

Mr. May moved for an account of the number of dollar tokens issued by the bank of Ireland from the time of their first being circulated up to the 1st of the present month, specifying the number issued in each month, and the quantity outstanding on the last day of the month. Ordered.

Sir J. Newport moved that there be laid before the house, an account of the expenditure of the different sums which have been issued by the government of Ireland for the purpose of criminal prosecutions from the 5th of January 1801, to the 5th of January 1805, with a copy of the warrant or authority

authority under which those sums were issued and applied; together with a statement of the whole amount. Ordered.

Mr. James Fitzgerald then moved the production of an account of the expenditure for the purposes of civil buildings in Ireland, from the 5th of January 1801, to the 5th of January 1805, specifying the warrants or authorities under which the different sums were paid, and the statements which had been previously drawn up. Ordered.

Mr. Alexander brought up the report of the last committee of supply, in which several sums were voted for miscellaneous services in Ireland. Each resolution was read twice, according to regular form, and they were severally agreed to by the house.

SALT TAX.

Mr. Alexander appeared at the bar with the report of the bill for imposing an additional duty on salt; and on the question being put, that the report be now brought up,

Mr. Johnstone observed, that notwithstanding the policy or impolicy of laying on this additional tax was a subject which might be said to be nearly exhausted, from the many observations that had been made on it by gentlemen of ability, yet he should not think that he faithfully discharged his duty to his country if he did not enter his protest against the adoption of such a measure. The hon. member took a general view of the subject, and rested his principal arguments against the bill upon the report of the committee in 1801, adding that it was evident that a pressure was then complained of, and that the committee at least gave them some distant hope that the inconvenience should be lessened at a future period; and yet now it was said that circumstances were altered, and therefore, instead of the act being repealed as they expected, an additional duty must be laid on. If this were applied to common life, what would the house say to the case of an inferior person having applied to a superior to relieve him from some peculiar hardship under which he laboured, when the superior gave him reason to hope that the severity of the circumstances of his situation should be mitigated; yet, in some time after this, the superior tells him that now indeed times are altered, and not that he cannot give him that redress which he expected, but that he must lay on him a double burthen? This surely was not a sort of language which that house would wish to hold out to the people of England, and all this perhaps for the purpose of subsidizing foreign powers. In Scotland, he contended, the
hardship

hardship was much greater; it would be almost impossible to collect the duty proposed; and he therefore concluded that either gentlemen would be induced to make some alteration in the provisions of the bill, or that they would be under the necessity of arresting its progress after it had been enacted.

Mr. Rose read some extracts from the report of the committee of 1801, in which several bounties and drawbacks on other articles were enumerated, and inferred from thence that the committee did not confine their views to salt alone, as they spoke of commuting one tax for another, and proposed several other regulations. As to the subject of the application of the money, that was not now before the house; when it was, it would be competent to the hon. gentleman to make any observations, or submit any proposition on that head which he might then think fit. At present the house had to consider the propriety of laying on the proposed tax, and he did not know of one that could be more equally or more generally laid on the people. It was said, that the tax would be evaded, or would be unproductive in Scotland; but there was not any restriction or regulation with regard to Scotland which would not apply equally to England. He therefore thought the observations of the honourable gentleman were unfounded, and voted for the bringing up of the report.

Mr. Kinnaird said, that the report of the committee had been ordered to be reprinted, and he did not think that the present bill would have been hurried through the house, until gentlemen had an opportunity of considering the report minutely. The honourable member then went into an historical account of the progress of the salt duty from its commencement, and stated what were its effects at different periods, from which he concluded that the proposed additional duty was both impolitic and unjust; impolitic, because it would tend to discourage the northern fisheries, which was a well known nursery for seamen, and had hitherto been thought worthy of encouragement; and unjust, because it would press unequally on a class of people (the poor of Scotland) whose circumstances were already too much straitened, and who were unable to pay the tax. He also pointed out the chemical difference between manufacturing from the rock salt of Liverpool, and producing salt from water impregnated with saline matter, as being two such different sorts of salt that it was not fair to tax them equally.

Mr.

Mr. Hushison observed that the difference to which the honourable member had alluded had been formerly considered by parliament, but that was done for the relief of the manufacturer, and not for the benefit of the consumer. As to the consideration of the northern fisheries, parliament would doubtless continue the same bounties to them as had been granted for a century past. The allusion which another honourable member had made to a situation in common life, was not exactly analogous; in his opinion the comparison would be more correctly made with the situation of a sailor who complained to his captain of the hardships which he suffered while at sea in tempestuous weather; and the captain gave him hopes that he should have better weather, and said that he then would have less labour. However, contrary to the expectation of the captain, the gale rose with considerably increased fury, when he had thought that it had nearly subsided, and the vessel sprung a leak. The captain then says, now you must do double work, for if you don't work away at the pumps, the ship will inevitably sink; there is no other means of saving her. Now, if any other measure of equal benefit to the state could be proposed, he would be very glad to hear it.

Mr. Hurst reminded the house that it had ever been the practice of this country, to avoid imposing a tax which would fall directly on consumption; and it was the duty of his majesty's ministers, when a tax was fairly objected to, to endeavour to find out some other fund to defray the expences of the state.

Mr. Calcraft observed that though this might not be a fit time for taking off the tax altogether, yet he could not think the present was the fittest moment to select for adding 500,000*l.* to the 800,000*l.* which is already raised from an article of general consumption, as the lower orders must peculiarly feel the inconvenience of a time of war, from the advance which takes place in the price of provisions in consequence of the increase of taxes, which is unavoidably occasioned by the war. When such a subject, however, was to be discussed in parliament, he thought it would have been more respectful to the house for the minister to have attended in his place. He had not heard that he was ill, or that any unpleasant consequences had followed from the fatigue of the preceding night's debate; he might have been a little galled no doubt, but that was no reason why he should not attend in his place that night, on the discussion of a sub-

ject of such general importance. Instead of adopting such a measure as the present, he would advise the colleagues of that right hon. gentleman to take the liberty of recommending to him in private to look to economy in the public expenditure; it was said, that a much more considerable sum might be saved by a reform in the navy.

Mr. W. Smith opposed the measure, observing that from 16 or 18 years of his own experience, and from what he could collect from others, the laying of such a heavy additional tax on salt would be extremely prejudicial to the northern fisheries. It would also materially affect the soap trade, as many of the manufacturers were already very severely pressed on, and he was credibly informed that some of them were apprehensive of being ruined in business, if this act took place.

Mr. S. Bourne adverted to an observation which had been made by an hon. gentleman opposite him, that he did not think that the present measure would have been hurried until the report of the former committee was reprinted. Gentlemen, he hoped, would consider the state in which the trade of printing was at present; from the almost general stagnation of that business, in consequence of disputes among the men, it was uncertain when that paper to which the honourable member referred could be printed. Indeed there were other documents on other subjects which had been laid before the house, and which would have been printed but for the circumstance which he then mentioned. As to the fisheries, they were permitted to make use of salt free of all duty. If it should appear hereafter that the soap trade was likely to be affected by this tax, it might be made the subject of a future proposition.

Mr. Fox said that the salt in Scotland was inferior to that which was made in England; and therefore it was likely that a greater quantity should be used in proportion to the population of the two countries. But gentlemen on the other side said, that a less proportion of the tax was raised in that country. If that was true, it was evident that either the payment of the tax must be eluded by the people of that country, and that ministers ought to adopt some regulation for the better collection of the tax; or, what was more likely of the two, it must be, that poor people in Scotland eat less salt meat (pork, for instance) than the poor of England; and as there is said to be no duty paid on the salt used for curing fish,

fish, he had a right to complain that the tax would press hard upon the lower order of people in England.

The question was then put, and the report brought up. The bill was ordered to be read a third time on Monday.

Mr. Kinnaird gave notice that on Monday he would bring forward a motion relative to the drawbacks on the northern fisheries.—Adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 8.

The post office duty bill and the loan bill were read a third time and passed.

Several bills were brought up from the commons, among others, the pleasure-horse duty bill, and read a first time.

The *Earl of Suffolk* rose to put a question to the noble secretary of state (Lord Camden), respecting the amount of the supply voted this year for the military force of the empire; he wished to put the question, that he might avoid doing it during the course of the debate. The information he felt anxious to obtain, had for its object to ascertain whether the military force already raised, or expected to be raised within the year, was likely to amount to such a number of men as to require the immense sum, he believed, of about 20,000,000*l.* which had been voted for military purposes. He could not conceive that there would be any objection to make him a satisfactory answer, though the noble secretary appeared as if somewhat disinclined to favour him with it.

Earl Camden was far from feeling any such disinclination; but the noble lord could not expect that, from the eagerness to give him an answer, he should have risen while his lordship was still on his legs. The answer appeared to him to be very easy and obvious. The sum voted for the service of the army was calculated on the estimated amount of what the military force of the country was likely to be brought to; if it fell short of that amount, undoubtedly no more money would be issued than what was required to meet the expense of the number of men that might be raised. If that number was below the calculation, so would be the sum destined for that service.

Earl Suffolk said a few words in explanation, and professed himself satisfied with the answer.

DEFENCE OF THE COUNTRY.

The order of the day being then read, for summoning their lordships to attend to discuss the motion of which notice had been given,

Lord King rose pursuant to that notice. He did not, he said, imagine himself called upon to make any apology for bringing forward a motion of the nature of that of which he had given notice. The subject of the motion was, in itself, of such importance, that no apology could be required for pressing it on the attention of the house. It was one which parliament had repeatedly declared in the two last sessions to challenge the fullest exercise of their judgment and their wisdom; and both had been diligently employed in producing measures that might effectually provide for the defence and security of the country. Neither did he feel himself under the necessity of apologising for being the person to bring forward the motion with which he should conclude, because all their lordships had indiscriminately been called upon to suggest, or propose, what in their opinion might best conduce to the attainment of that very important object. In order to establish the propriety of acceding to what he intended to propose, he should only have briefly to advert to the inefficacy of the measures that had hitherto been adopted. It was unnecessary for him to go into any minute examination of the bills that had been passed for two sessions, with a view to the effectual defence of the country. That subject had been fully discussed, and the result of that discussion convinced him at least, that all these bills were very complex, contradictory, and inefficient. What was commonly called the additional force bill, more particularly appeared to him to wear that character. That bill was moreover unequal in its operation with respect to the different parts of the country; it took not into consideration their comparative population, or their facility of furnishing the number of men required. None of these bills attempted accurately to distinguish between the different descriptions of force to be raised, or none of them succeeded in practically marking that distinction. The regulars were in all of them more or less confounded with the militia and the volunteers. The noble lord then entered into a comparative view of the number and quality of the military force raised for the years 1804 and 1805. He more particularly directed the attention of the house to the amount in both years of the British infantry. The military force upon the whole, and under all its

its denominations, for the present year, was, perhaps, much greater than the amount of last year. The increase upon the whole for the present year he understood to be 12,262. But this, properly speaking, was not an increase in the British infantry; on the contrary, it could be proved, that in the present year there was a real decrease of that particular force when compared with the total increase of the aggregate military force, and of that amount how much could be affirmed to be fairly a disposable force? Not, he believed, more than 53,000; for he would not call that a disposable force, which could not be spared from either Ireland or Great Britain, or which no man would advise to be sent away from the two countries. In effectually providing for a force of that description, much attention should be paid to the different nature of limited and unlimited service; that idea had been much dwelt upon of late; alteration from unlimited to limited service had been strongly recommended, and it would be wise, and perhaps found necessary to adopt it. Human nature revolted at the idea of being thus tied up for life; and besides the natural reluctance to submit to such an imposition of service, it tended even to defeat the object for which it was enforced. Nothing so much contributed to desertion, or obstructed the means of effectually recruiting our army. We had only to look to the powers of the continent, to the armies which they raised and kept entire, and we must soon be convinced of the benefit that would accrue from imitating their example in that particular. There were other prospects and conditions which powerfully counteracted our means of raising a large disposable force; among those he would more particularly instance the aversion of British subjects to serve in the West Indies. There should at least be a rotation of that service; or if that could not be exactly effected, he should approve and recommend the increase of black regiments. But there was now a great defect in the mode of raising and maintaining those corps. There was no inducement for the officers who raised, to remain in them. They looked to that merely as the means of obtaining rank. But such corps should, in his opinion, be officered only by persons who had served in the West Indies. Without offering some strong inducement to officers to continue in these corps, it were vain to expect that they could ever be brought to any thing like perfection of discipline. The only objection that could be urged against this plan, was the increase of expence it might involve,

involve, but that increase would be nothing in comparison with the advantages it must produce. Indeed the anxiety which was felt, both by parliament and the nation at large, respecting this and all the different branches of our national defence, might fairly be advanced among the chief reasons which occasioned last session a change in the government of the country; yet what had that change effected that could securely remove that anxiety and those alarms? It must be confessed that none of the plans for recruiting the army had proved so successful as was expected, not even equal to the filling up the casual decrease. The house must be sensible of the total inadequacy of the present military system: he, at least, for one, was thoroughly convinced of it; and from that conviction it was that he felt induced to bring forward his present motion, the object of which was, that a committee be appointed to revise all the bills that were passed to this effect last session, and to consider of such means as might render our military establishment more perfect and complete.

Earl Camden could not sufficiently commend the candour and fairness with which the noble lord had argued in support of his motion, and the impartial manner in which he had abstained from all party prejudices, from all political allusions.—With regard to the question he thought but very little was necessary to be said upon it. When an impartial view was taken of the military force during the two first years referred to by the noble lord, it would be evident that great advances were made towards perfecting our military system during the last year. This would obviously appear on the face of the papers laid before their lordships preparatory to the present discussion; and it only required to inspect them to be convinced how unnecessary it was to adopt the motion proposed by the noble lord. The noble secretary then enumerated the different heads of the accounts on the table, and inferred from them that the army was now far more numerous and effective than it was at the beginning of the last year, and that it fairly promised progressively to improve. With regard to the idea thrown out by the noble lord respecting the West India regiments, he perfectly coincided with him; and as far as such an improvement could be followed up, it should have his support. In every other respect he saw no necessity for appointing a committee such as that moved for by the noble lord. He therefore thought himself justified in opposing the motion.

Earl

Earl Stanhope said, that the nature of the motion then brought forward by his noble friend, had induced him to attend the discussion of that night. He was glad that he had worded his motion in general terms, and that it referred to the acts of the last session, which he should ever hold as oppressive, mischievous, and absurd. Indeed the acts he alluded to, and the whole of our military system, led to consequences the most extensively alarming. The additional defence was among the most unjust and intolerable of them. It inflicted fines and penalties on persons wholly unblamable; and how were the farmers to be indemnified, but by raising the price of all sorts of provisions? This was a prominent part of the famine-mongering system which it was endeavoured to establish. He should vote for the committee, for there he should be able to meet the fatal consequences of this starving system. Now it must inevitably tend to raise the price of labour, to avert the progress of agriculture, to ruin our manufactures, to destroy our commerce, and by the combination of all these pernicious effects dismantle our navy, and leave us bare to the attacks of the enemy. And by whom were all these calamities to be brought upon the country? By a man who boasted that if he were in power, he should rectify all the errors of ministers, and give the full effect to the spirit, zeal, and military ardour of the country. Under the specious pomp of these promises, he removed a gentleman lately made a member of that house, whose moderation was above his praise, and who possessed more good sense in his little finger than the mighty boaster, the present Chancellor of the Exchequer, possessed in his whole frame. His boasts ended like all others. The mountain laboured, but brought forth a mouse; and what would be the consequences of his mighty measure? Those which he had already alluded to, and he might add to them the absurdity of his whole system; it began by arming the people, and then it tended to starve them. The noble lord indulged in a violent invective against the whole conduct of ministers, and concluded with giving his hearty support to the motion.

The *Earl of Romney* did not intend to trouble their lordships that night; but expressions had fallen from the noble lord who had just sat down which made his hair stand on end, and which it was impossible he could listen to with patience. The noble lord talked of starving the people; he endeavoured to impute to ministers what might befall the country from the visitations of Providence. Could the wisdom and foresight of
of

of ministers counteract the effects of the seasons, and oppose the will of heaven? Were ever such accusations insinuated against any set of men? As to the measure under discussion, it might be true that it did not answer the sanguine expectations of its framers; neither did it deserve the character given it by its opposers. If it was to be amended or repealed, he should wish the proposal to that effect to come from the right honourable gentleman who originally brought it forward. He had much confidence in his abilities, and would trust to them for the improvement of our military system; under that impression he should oppose the present motion.

The *Earl of Carlisle* rose to give his decided approbation to the motion of his noble friend for instituting a committee on the state of the military defence of the country. He called on those noble lords who last year were loud in demanding an inquiry to support it on the present occasion, or otherwise to assign sufficient reasons for their apparent inconsistency. It was evident that the measure which was intended to shew the imbecility of the former administration, had by its complete failure proved, that however imbecile that administration might have been, it was succeeded by one still more so. The army of reserve act, which originated in the administration of the noble lord opposite to him, had produced several thousand men; the produce of the scheme of the present chancellor of the exchequer had been considerably smaller indeed; and he should not be surprised if some still more sublime genius should arise, and propose a plan the result of which should be absolutely nothing. The praise demanded by ministers seemed to be in an inverse proportion to their success. It reminded him of the line in one of Dryden's tragedies, where a lover exclaimed,

"My wound is great because it is so small."

On which a wit who was present cried out,

"Then 'twould be greater were there none at all."

As to the argument that the act had not had a fair trial, and that if time were allowed it might be amply productive, he must desire the house to recollect that the act was introduced for the express purpose of raising an immediate and powerful force. It was to effect this, that the noble lord had been hurled from his seat in the cabinet, to make way for the vigour and promptitude of the right hon. gentleman who now occupied his situation. It had not succeeded in the object for which it was framed, and it was absurd to say that in three or four years it might succeed. If a crop were wanted immediately

diately from a piece of land, it would be just as absurd to sow a grain, which required to lie several months in the ground before it made its appearance on the surface. Perhaps the conduct of Frederick the Great of Prussia might be instanced by government as a defence of their tardy method of increasing the force of the country. When that military monarch saw any woman remarkable for her height and muscular appearance, he immediately caused her to be married to a grenadier of his body guard, and by this means hoped to produce an Herculean breed from which his army might ultimately be recruited. The progress of the operation of the additional defence act was scarcely less deliberate, and indeed the whole measure deserved nothing but ridicule and contempt.

Lord Hawkesbury opposed the motion which the noble lord had submitted to the house, as pregnant with injury to the country. He opposed it likewise on the ground that it went to insinuate a kind of military commission, and thus to infer, that the military administration of government was defective, and not to be trusted. He did not deny the right of the house to give that as their opinion, but if such a declaration of their opinion were deemed necessary, he asserted that it should be done by the appointment of a committee to inquire into the merits of administration, followed up by an address to his majesty to remove the ministers who had lost the confidence of the house. This would be a fair and manly proceeding, worthy the dignity of the house. The indirect, though not the avowed object of the present motion was the same, but there was an insidiousness in this mode of attack which he was sure the house would condemn. With regard to the state of the military force of this country, he contended that it was at this moment superior to what it had ever been since Great Britain was a nation. The proportion which our military force bore to our population was greater than that of any nation in Europe, either at present or in any former time, scarcely excepting, perhaps, those temporary exertions of frenzied strength which the revolutions of different countries had occasioned. The population of the united kingdom amounted to fifteen millions: the usual calculation was, that about one-fourth of a population were capable of bearing arms, that would be then about three millions seven or eight hundred thousand men. The number of men in arms in this country, not including volunteers, but men totally withdrawn from civil life, and exclusively employed in the military and naval services, was very nearly 400,000 men, being one man in ten

of our male population. Now let us look to the continent. The population of France amounted to thirty-two millions, the fourth of which was eight millions. Her whole force, naval and military, did not exceed five hundred and sixty thousand men, which was not one man in fourteen of her male population. His lordship entered into similar calculations on the force of Russia and Austria, proving that the latter was as one to fourteen of her male population, and the former as one to thirteen. The country which approached the nearest to Great Britain in this respect was Prussia. The population of Prussia rather exceeded ten millions, the fourth of which was somewhat more than two millions five hundred thousand men. Her military force amounted to almost two hundred and fifty thousand men, being one man in ten of her male population; but then it should be recollected that Prussia, from the military character of her people and government, had peculiar advantages unenjoyed by this country. If such was the comparison when only that part of our military force which was entirely abstracted from the civil occupations of life was taken into the calculation, what would be the result if to these were added the whole body of our volunteers, amounting at least to three hundred and sixty thousand men? We should then find that one man in four of our male population was actually engaged in the defence of the country; a proportion greater, he believed, than ever existed in the most turbulent periods of the French revolution, even in the reign of the tyrant Robespierre, when the apprehension of the guillotine crowded the ranks of the Gallic armies. But of what a different description our present force was to what that had been, he need not remind the house. One was founded on terror and anarchy, the other on the most pure patriotism and military ardour. He would not, however, content himself with this general statement of our military force, but would analyse it, and shew that it was as excellent in character as it was extraordinary in magnitude. In this analysis he would begin with the volunteers, as they were generally considered the most loose species of our forces. It had been confidently asserted, that a very considerable diminution had taken place in their number since their first offers of service. This he would positively deny. The greatest number of rank and file ever returned by the inspecting officers, was 313,000; the last returns amounted to 310,000, making a deficiency of only 3000; had a much greater defection taken place, it would not have been at all extraordinary; he confessed he had expected a much greater; and the fidelity with which

which so many men adhered to their engagements, for such a length of time, reflected the highest honour on them. Of these three hundred and ten thousand volunteers, one hundred and fifty-seven thousand had been declared by the first military authorities in a state of discipline which qualified them for immediate and effective service; about eighty-seven thousand had nearly arrived to the same perfection, and only a small number remained untrained. The noble lord then proceeded to the militia; and asserted that there never was a time when that respectable corps was in so great strength or such high discipline.—Our regulars and our disposable force amounted to eighty thousand men, and in no former war could we boast of so excellent an army. They were men inured to service, not raw levies, but firm and steady battalions, on whose bravery and subordination the utmost reliance could be placed.—A great deal had been said by some noble lords about the deficiencies in our establishment, and insinuations had been thrown out about armies on paper, &c. The fact was, we had a regular force of eighty thousand men distributed in the different regiments; and though he acknowledged that on some accounts it might be advisable to consolidate them rather more, if possible, yet for the advantages of recruiting; and for several other reasons, it was deemed necessary to keep them in their present state. It was true, that large as this disposable force was, it could be wished that it were increased; but the question we were now to consider was, whether the whole force of the country were such as to justify any censure, direct or indirect, on the inactivity of government or not? He did think that all measures concerning the military state of the country could with propriety originate only with the executive government. He did not mean parliamentary propriety, but that propriety which a sense of the public interest dictated. He did not deny that partial propositions, with respect to certain portions, may sometimes, without any great impropriety, proceed from the other side; but he did not think that even these could ever be attended with any advantage. He deemed it most improper of all, to bring forward a general investigation of the military force of the country, when there was no intention of producing any other effect than to embarrass, discredit, and displace his majesty's government. If that was the object, the only fair and honourable mode of pursuing it was by directly proposing an address to his majesty to displace them. If the conduct of the government with respect to the military administration af-

forded grounds for charging them with incapacity, he did not think even then the existing military system could with propriety be taken to pieces, though it would be the strongest ground for moving for the dismissal of the ministers who were the cause of its insufficiency. The quantity, the quality, and the discipline of our military force were such, as in his opinion fully justified the government. As to the particular act that was made the subject of the principal attack of the noble lord opposite, he thought much benefit might be expected from it. It had not been enforced till within a few months, and within the last two or three its effect had been very considerable. This effect was increasing, and when the exhausted state of the country from the vast number of men it had furnished to the militia, the supplementary, the army of reserve, the regulars, and the navy was considered, and also the effect of the remembrance of the high bounties, both now wearing away, no surprise could remain at this measure not having been more completely successful at first, nor any doubt of its being more successful in future. The success it had had was more than sufficient to justify parliament in continuing it. He questioned much whether the principle of raising men for a limited time could be reduced to practice so as to make it afford any strong inducement consistently with the nature of the service; for it should be graduated and modified by such a variety of circumstances, such as the duration of the war, the distance of the part of the empire where the particular corps was serving, and so on, that in very few instances indeed could the limit of the naked engagement of time be adhered to. With respect to the attempt of the enemy, he could not say the enemy was absolutely intimidated from making it; but this he would say, that our preparation was such as to render it madness in the enemy to think of making it, and ruin if he did make it.

The *Earl of Darnley* supported the motion, on the same grounds on which his noble friend had made it. He contended, that the military state of the country was not adequate to what was required by the exigencies of the occasion, such as his majesty's ministers themselves described them, nor to the resources and spirit of the country, if properly called forth and directed. With respect to the talents, capacity, and character of his majesty's ministers, he thought it fair, just, and parliamentary to consider them, when any of their measures were under consideration, and to introduce the discussion of these measures when the insufficiency of them afforded proof

proof of the incapacity of their authors. Here the noble lord entered into an examination of the amount of the change that had taken place in the government. The noble and learned lord on the woolsack was still the same, nor did he wish to see any change take place with respect to him. The lord privy seal had the same weight and the same talents which he had in the last and in the preceding administration, and which he may hold in many succeeding ones. His noble friend opposite (Lord Hawkesbury) had been put out of a situation for which he had at first been declared eminently qualified, and for which he had, at least by this time, the advantage of experience; he was replaced by his other noble friend (Lord Mulgrave), whose military abilities he respected, but who could not, by military talents and military experience, be qualified for a place so little connected with military objects. Was there the same weight of character and respectability in the right hon. gentleman at the head of the government? Well, indeed, it might be said of that right hon. gentleman, *quantum mutatus ab illis*. How much had he suffered by taking to his bosom the noble lord opposite, whom he had driven from the government as incapable? How much was he polluted by pressing to himself at the same time the mud he had thrown on that noble lord, of which, though much stuck to him, yet much remained behind, and of which neither could be cleansed by its being besmeared on both? The noble lord at the head of the admiralty was another example of the distribution of office without regard to talents or experience. What the noble lord might do remained yet to be ascertained. His first effort, the catamaran expedition, did not promise much, and his capacity for the office could not be compared with the noble lord who had left it. He would readily conform to the noble lord's (Hawkesbury's) idea, of moving directly for the dismissal of his majesty's ministers, if he thought the motion would be attended with any success.

The *Earl of Suffolk* condemned the practice of taking the best men from the militia, after gentlemen had bestowed their time and trouble on training them. He supported the motion.

The *Duke of Montrose* defended his majesty's ministers, for he could consider this motion as nothing else than a motion for an address to remove them. A noble lord opposite had made some sharp strictures on the character of the individuals composing the government. He happened to have read this morning in one of the public papers, precisely the same remarks,

marks, reported to have been made in another place, where they had excited much laughter. He had no doubt they would have had the same effect here if their edge had not been blunted by the knowledge that the whole was only a repetition. He contended, that his majesty's ministers had not been idle, and that much had been done for the defence of the country; that the act particularly adverted to, had not been unproductive, and that much eventual benefit may be expected from it.

Lord Carsforyt could not allow that ministers had a right to take credit for the spirit and resources of the country they governed, further than as they had well directed and managed them. The spirit and resources of the British empire were ample means in the hands of the present ministers, for producing every thing great; but instead of doing justice to these means they had marred them. He respected the volunteer system. He was a volunteer himself, and had been one in another part of the empire ten years, before any of the noble lords opposite had come into office. But the government had no right to claim credit for a system into which the country had at once started of itself. The government had in fact damped that spirit, by its regulations and its inspecting field officers. He thought it but little towards supporting the character of the country, that we had been three years at war, and had been contented with mere defence. It was said, we should have an offensive force, to avail ourselves of any opportunity of making an impression on France, which might be afforded by its being attacked by some of the continental powers. He could not content himself with this conditionally active hostility, for a country which was, if rightly administered, capable of humbling that power that domineered over the continent. He could not subscribe to the authority challenged for the prerogative, in opposition to the sense of parliament, as if his majesty's prerogative could possibly be more gloriously exerted than when it acted upon the advice of the great council of the nation. He voted for the motion.

The *Earl of Westmoreland* wished the noble lords to look back to their own conduct and their own measures, before they condemned the present administration for pursuing and improving what they had instituted. The noble lords opposite were entitled to the gratitude of the nation for having instituted these measures, and he was only astonished that they could disapprove of the continuation and improvement of them by the present administration. The military state of the country

was

was amply sufficient to justify his majesty's government, and to hold out the most satisfactory expectations to the country. He wished the noble lords opposite would propose the plans which they meant to suggest in the committee, if they had any such, or did they mean to withhold them till the happy day when they themselves would be in the cabinet, and the country would have every thing done that could be wished for? He defended the act of the last session, from which much benefit was to be expected; it had not operated till late in the season, because its provisions were not sooner understood by those who were to carry them into effect; its effect had been tardy because a belief had been infused into them that the penalties were not to be enforced. He thought the enforcement of the penalties indispensable to do justice to the country.

Lord Grenville would not reply either to the arguments or to the wish of the noble lord who had just sat down. He would leave both to make their full impression on their lordships, with the conviction, that the best idea that could be formed of the minds from which proceeded the measures he and his noble friends condemned, was from the speeches with which it was attempted to support them. He wished, however, that the noble lord, in pity, not to those on that side, but to those whom he wished to defend, had looked to his right hand and his left, before he ventured to charge him and his noble friends with inconsistency, in not supporting the measures which the present government had brought forward. He did not mean to charge inconsistency upon his noble friend opposite who voted for a motion similar to the present one last year, and who would vote against it this year. He thought that any man who saw reason to think the military state of the country greatly improved, acted an honest and conscientious part in giving his vote accordingly; but for himself, who saw not the smallest reason for changing his former opinion on this subject, he thought it but reasonable and fair to claim credit at least for consistency in voting for the present motion. But before he proceeded to that part of what he intended to offer to their lordships, he should observe upon the language that had fallen from the noble secretary of state opposite, that it was not fit that any proposition relative to the military state of the country should be originated in parliament, but by the executive government. Could it be heard without astonishment in the parliament of the united kingdom of Great Britain and Ireland, that that parliament, which.

which regulated and controled by its acts the amount, the description, and the discipline of the whole armed force of the empire, and which, for the purpose of having that control more complete, voted all the military acts only from year to year; was it to be heard without astonishment and indignation, that that parliament, or any member of it, had no right to interfere with its own military acts; that it was to be converted into a mere elective assembly, to sanction or reject by its vote whatever ministers the crown may appoint, and whatever measures those ministers may propose? Such language had, for the first time within his parliamentary experience, and he believed within the records of parliament, been uttered that night by a secretary of state, and he was sorry to say, as yet, without any mark of the disapprobation of their lordships. In looking back to the proceedings of last year, when a motion precisely similar to the one made that night was supported by all that was eminent in rank, talents, and property in the country, united in what the noble lord opposite was pleased to call a faction; it was but natural to ask, what had been done since to convince any one, except those who were then of that faction, but now members of the present able administration, that a similar inquiry was not deemed necessary now? Much as he had heard that night with sorrow, there was one thing that he had heard with infinite satisfaction. It was the avowal that the act of last year, the repeal of which had been moved by a noble friend of his, should be altered. He for one would most gladly support any alteration that might be proposed, for it was impossible that any alteration could have any effect but to amend it, though no alteration would be complete but that of a total repeal. He was sure the noble lords opposite saw the necessity of the repeal, for if they did not repeal it, it would repeal itself by falling to a mere nullity. It was, indeed, impossible the act could be enforced by the levy of the penalties. The act gave powers to the parish officers, and the penalties were to fall on the parishes, which had no control over the parish officers to compel them to do their duty. He was sure no court of law in England would compel a man to pay a fine incurred by no delinquency of his own, nor by any default which it was not in his power to prevent or control. He was sure, that if any court of law could be found to authorize such an injustice against the whole people of England, it would be impossible to enforce the decision. In proceeding, however, to the alteration proposed, it was singular

gular that their lordships would have to take the very same step which was now refused, because it came from that side of the house. They should go into a committee, in which the whole military state of the country was to be considered. The measure had been proposed at a period when we were told to count not weeks, or days, but hours, in expectation of the danger of invasion. It was brought forwards as a means of immediately raising a considerable force; yet, after all the predictions that had been made, and the expectations that had been formed of its success, the result was almost too trifling to be mentioned. Supposing, which he much doubted, that it had raised two thousand five hundred men, was that a number of which a great nation like this could boast, when it was considered how much had been vaunted of the act before it was put in force? The noble secretary of state, in the very extraordinary and delusive statement that he had that evening made of what he termed the military force of the country, instead of shewing distinctly the situation in which it stood, had wrapped the seamen, the volunteers, &c. round the real military force, for the purpose, no doubt, of disguising it as much as possible. The object of the additional defence act was not to increase our whole military strength, but to raise a large and immediate disposable force. With all the claims which administration had made to the gratitude of the country for their exertions, if the house would look to the returns of the British infantry they would find that in the last year, instead of having increased it had decreased. On the 1st of January 1804, the number was 105,886; on the 1st January 1805, it only amounted to 105,033, making a decrease of 853 men in the year. After deducting garrisons, &c. there remained British infantry for general field service 78,195; but an allowance must be made for casualties that had taken place abroad, and of which no mention was made in the returns on the table. In the East Indies, where such bloody though glorious battles had been fought; and in the West Indies, where a malignant distemper prevailed, he could not calculate these calamities at less than 4,000; reducing the whole number to 74,195. The apportionment of these troops would be abroad 31,113, at home 43,082. But the house should recollect, that our establishments in different parts of the world must be maintained, and this, on a moderate computation, would require thirteen thousand men; which would leave the British infantry in this country about thirty thousand men. The only

chance we had of re-establishing Great Britain in the rank which she held in Europe before the peace of Amiens, was by a co-operation with the continental powers; but to make this co-operation effectual, we must not be satisfied with granting pecuniary succours; how were we qualified to afford any other? We had but the paltry disposable force of thirty thousand men; nor could we send even those to the continent, unless we determined to leave Great Britain with no other defence than the militia and volunteers, and Ireland with no defence but the militia alone. The noble lord commented severely on the army of reserve act, which he termed a wretched measure. It had been imagined by some, that if the defence act were repealed, recourse must be again had to the army of reserve act, but of this there was no danger. He recommended strongly the recruiting for limited service, and concluded by declaring his hearty assent to the motion of his noble friend.

Earl Camden stated, that he had not said there was any intention in government to propose an alteration in the act, but merely that he thought some one might possibly be desirable.

Lord Mulgrave, after the able speech that had been made by the noble secretary of state, did not conceive it necessary to go into any long detail on the subject. He wished to correct one misapprehension of his noble friend's opposite. He had expressed, with a degree of asperity not very usual to him, his indignation at the assertion which he had imagined his noble friend near him to have made, which was, that that house had not a right to institute a committee for the examination of military matters. This was by no means what his noble friend had said, which was merely that there might be occasions on which it would not be prudent to do so, and that this was one of them, in which sentiment he perfectly concurred with him. The noble lord entered into an examination of the circumstances that had occasioned the effect of the act not to be so successful as it was expected to have been. He attributed this to the great drain of men which the previous raising of the militia, the supplementary militia, and the army of reserve had caused, and the excessive bounties which resulted from it. He contended that the act had not experienced a fair trial; it had been found during the few last weeks to increase in a compound proportion, and the returns of the last month were so very flattering, that he thought

thought the noble lords would not feel themselves justified in abolishing a measure which promised so much.

The *Lord Chancellor*, at that late hour, would not occupy much of their lordships' time. He thought it not unnecessary, however, to make a few observations on the present question, in order to correct certain misrepresentations which seemed to prevail relative to the measure under consideration. The motion that had been submitted that night, was one which had last session, though not proposed in that house, been the subject of much observation. It was, in effect, the same as one which had been rejected by a very large majority in that house, and exactly similar to a motion that had been proposed in another place, and disposed of in a similar way. The object of the motion, though it professed to be for a committee to revise the measures of the two last sessions of parliament for the defence of the country, and to render the same more complete and permanent, was neither more nor less than to procure the repeal of that which was the law of the land, and which, he trusted, after that night, would continue the law of the land. To the first part of the motion he could not possibly subscribe, whilst convinced that he could, without exaggeration, assert, that by the measures which had been adopted, a greater force had been provided than he had thought it possible for man to provide. But it was not the revision of these measures alone that was sought by the motion for a committee, but their repeal, and there must be a very strong case indeed made out, to induce their lordships to repeal measures that had proved so successful. Not the smallest parliamentary ground had been laid for such a proceeding. Nothing could weaken so effectually the strong powers entrusted to parliament, as the use of them on occasions not strong enough to call for them. Various objections had been stated against the bill of last session. The penalties had been particularly animadverted upon. But he would ask, whether the principle was new? Whether it was not acted upon last war, in raising that excellent force the provisional cavalry; and the parish quota men, the militia, the supplementary militia, and the army of reserve, in the present war? The principle was not novel, and the application of the principle had been rendered more mild in this bill than in any other instance. Objections had been made as to the difficulty of levying the penalties; but even though the means should not have been pointed out, the law was ingenious enough in devising means

of recovering debts accruing under the law; and what judge in his ermined robe dared dispute the authority of the law, which he is appointed to execute? The noble lord concluded by declaring his opposition to the motion, which ought not to be accepted, because it would go to deprive the country of what was useful and beneficial, without any substitute having been proposed by any of the noble lords who supported it, and which ought rather to be regretted, because no parliamentary grounds whatever had been laid to justify their lordships in acceding to it.

The *Duke of Clarence* was equally sorry and surprised to observe the versatility of sentiment and inconsistency of opinion betrayed by some noble lords, respecting the nature and tendency of the additional force bill, a measure which on former occasions they had so loudly and so strenuously condemned. His royal highness also adverted to the conduct of the present and of the late first lord of the admiralty. The vigilance and energy of the latter he should be always forward to vindicate and approve. Had that noble lord continued at the head of the naval department, we should not, perhaps, have had to lament the capture which was that day announced in the city. As to our military system, he felt it was miserably deficient, and that some chance might be afforded to remedy these deficiencies, he should vote for the motion then before their lordships.

Lord Sidmouth entreated the indulgence, of the house for a few moments, the more so as he was solicitous to answer what he could not help conceiving to be personal attacks. He was particularly hurt by the insinuations of the illustrious personage who had just sat down, which seemed pointedly to accuse him of versatility and inconsistency. He must beg leave to say, that such a charge, in the present instance, from whatever quarter it might come, was wholly without foundation. He had often been called upon to deliver his opinion respecting the measure which formed the chief topic of that night's debate; and on no occasion did he advance any sentiments different from those which he had formerly expressed respecting it. He had always asserted that it would not be attended with that immediate effect which it was supposed could result from it, and if he now consented to give it a fuller and more prolonged trial, it was out of respect for the sanction of the legislature by which it had been enacted. Never was it his idea or intention that it should oppress the people in the form of a tax, and should it be proved so to operate;

operate, it should no longer meet with his approbation and support. With respect to the great variety of extraneous topics which had been introduced into the debate, and many of which had been personally directed against himself, he should only say, that most of them, if not all, had no real foundation in fact. A noble baron (Grenville) had on that and many other occasions been very prodigal of opprobrious epithets, in describing the administration of which he had formed a part. The terms imbecility and incapacity were continually used to characterise it; but he still did not fear to challenge that noble baron, or any other noble lord who indulged in the same accusations, to come forward with the statement of any one particular measure of his administration to which those insulting terms could justly apply. As little could that noble lord justify his eternal accusations against the much condemned treaty of Amiens. Such as that treaty was, it had been productive of the best consequences to the country. It was made under the necessity that the government would no longer resist the voice of the people for peace; and in yielding to that call, government gave rise to that general conviction, which since had been productive of the best effects, namely, that a great and last exertion must be made to give security and permanence to whatever treaty may hereafter be entered into. It was to that treaty of Amiens that the country was also indebted for any improvement that might have since been made in our relative situation to the continent. The moderation which that treaty evinced on our part, and the views that it opened to the great powers of Europe, more particularly to those of the north, were among the principal causes of the friendly disposition which they had since manifested towards this country. The noble viscount, after referring to, and justifying the different acts of his administration, and their connection with the present motion, concluded by deprecating the adoption of it, as of a measure that must be practically mischievous, inasmuch as it must tend, under such a critical situation of the country, to unhinge all the measures that have hitherto been devised for its defence and security.

Lord Melville vindicated the measures of the administration of which he had formed a part, in conjunction with the noble baron (Grenville), who that night had been so acrimonious in his charges against his former colleagues. Not one of the measures that had been adopted but he could fully justify, and the noble baron must be as sensible

sensible as he was of the expediency or the necessity by which they were to be vindicated. The noble viscount expatiated on the merits of our victories in Egypt, and claimed the full praise of them to the administration of which he was then a member. He was not a little astonished at the mode of proceeding which some noble lords had adopted in defending the motion, almost the whole of their arguments were directed against the additional force bill, and seemed to have nothing in view but its repeal. This surely was not a very parliamentary mode of proceeding—for not much more than a fortnight ago, a motion had been directly made and negatived by that house for a repeal of that act; yet, if the arguments urged now in defence of the present motion were properly considered, they would be found to have no other object in view but the repeal of that act, respecting which their lordships had already decided.

Earl Spencer could not but express his surprise at the complete misrepresentation of the noble viscount, of what had been advanced on his side of the house. It was not merely the repeal of the defence act which the present motion had in contemplation, but a great variety of other improvements, and the adoption of other means, by which our military system might be much perfected. Equally inconsistent was the noble and learned lord on the woolsack in urging the same objection; for when the repeal of the act was proposed, that learned lord opposed the motion on the ground that it referred to a single measure, and to no new system of measures that might tend to supply its place. When a motion was now proposed to furnish that new system, or the opportunity of devising it, that motion equally met with the learned lord's disapprobation and opposition. Such misrepresentations and inconsistencies it was impossible for him to allow to pass by unnoticed and unproved. Of the necessity of such a motion as the present he was convinced, and under that conviction must vote for its adoption.

The question was now loudly called for, and on a division there appeared for the motion,

Contents	-	-	-	52
Non-contents	-	-	-	127

Majority against it	-	75
---------------------	---	----

Adjourned at half past three o'clock in the morning.

HOUSE

HOUSE OF COMMONS.

FRIDAY, MARCH 8.

On the motion of Sir William Young, the papers relative to the West India trade, presented on the 6th inst. were ordered to be printed.

The marine mutiny bill, the Isle of Man trade bill, the sugar drawback bill, and the legacy duty bill, were read a second time; the three first to be committed on Monday, and the legacy duty bill to be committed on Tuesday.

Mr. Alexander brought up the report of the committee on expiring laws, the resolutions of which were referred to a committee of the whole house on Monday.

A message from the lords informed the house that their lordships had agreed to the loan bill, and the postage duty bill, without any amendment.

The third reading of the property tax bill was put off to Monday.

PRISONERS OF STATE IN KILMAINHAM.

Lord Henry Petty, having reason to understand that no objection would be made to the motions of which he had given notice for that day, thought it unnecessary to preface them with any observations. He should therefore content himself with simply moving, that there be laid before the house a copy of the depositions made by the prisoners of state in the prison of Kilmainham; Dublin, on oath, before three judges of the court of king's bench, who sat there for that purpose, on the 16th and 17th of July last. Also a copy of the memorials from the said prisoners of state to the lord lieutenant of Ireland; prior and subsequent to the said dates.

The *Chancellor of the Exchequer*, from the general nature of the papers moved for, was not aware of any objection to their production. But as he was not acquainted with the particulars, which might possibly contain matter, intermixed with the information desired by the noble lord, which it would be improper to publish, he should, in agreeing to the motions, reserve to himself the privilege, if that should be so, of moving hereafter to restrict the order to that part that could be produced consistently with the public service.

Lord Henry Petty assured the right hon. gentleman that his motions had been made entirely with a view to the condition of the prisoners of state, and to the hardships which they had been subjected to.

The motions were then agreed to.

SHERIFFS

SHERIFFS OF MIDDLESEX.

The Chancellor of the Exchequer moved the order of the day for resuming the adjourned debate on the report of the select committee relative to the conduct of the sheriffs of Middlesex at the election in 1802.

Mr. Sheridan rose for the purpose of opposing the resumption of the debate then. His intention was, if the house should agree with him in negating that motion, to follow up the question by a motion for hearing counsel on behalf of the sheriffs, previous to resuming the debate on some future day. It was not his wish to enter into the merits of the question, nor to discuss whether evidence should be examined at the bar, or the resolutions of the committee be adopted by the house. These considerations were altogether out of his view in the present instance. However these questions might be finally disposed of, he contended that the house could not consistently with justice agree to the report, without hearing what the parties had to say. It had been argued on a former day, that it would be idle in the house to try this question, because it had already been fully tried by the committee themselves, on oath, and on evidence taken upon oath, with the advantage of the comments of counsel, and a view of the countenances of the witnesses. The question therefore was, whether the house should or should not agree to the report of the committee, without the advantage, at least, of hearing counsel. The committee had given to the house with its report, the evidence that had been taken before it, in order to enable the house to ascertain whether the resolutions were borne out by the evidence; and he maintained, that no hon. gentleman could consistently agree to them, until he was convinced of their being so borne out. He did not argue that all the evidence should be gone over, but that gentlemen should have the assistance of counsel to guide their judgments upon that which had been laid before them. He understood that the noble lord who had so ably presided over both the Middlesex committees, intended to support the motion for hearing counsel, and he hoped the committee would act with the same noble impartiality. There was one preliminary question which it was necessary to establish here. If the sheriffs had not been heard at all, neither the right hon. gentleman opposite, nor any other gentleman could contend that they ought not to be heard. If heard at all they ought to be heard fully; and what evidence had the house whether they had been heard to their own satisfaction, fully,

com-

completely, and impartially? It appeared, indeed, that they had been heard, but he denied that they had been fully heard; and if the house should decide against the hearing of counsel, it would be better for the returning officer not to be heard at all before the committee. Besides, the whole of the evidence was not before the house, but such parts of it as the noble lord and the committee had selected as sufficient to enable the house to form a judgment of the conduct of the sheriffs. In his mind, the whole evidence should be had for that purpose, and counsel ought to be heard to ascertain whether any more than they had was necessary. The sheriffs had no notice of their conduct having been under consideration until they accidentally heard of it; and when they applied to have the consideration deferred until after the whole of the case should be gone through, in order that they might have the benefit of all the evidence that might be produced, it was denied them. They had but a single day to prepare their briefs and defence, and that was five months previous to the resolutions being adopted by the committee. There was nothing, he contended, in the act, which gave the committee a power to try the sheriffs. The right hon. gentleman had triumphantly stated that the whole matter of the petition was referred to the committee. This he admitted *quoad* the seat, but not as to the sheriffs, any more than as to peers who might have interfered in the election, or any other persons not implicated in it. The committee *quoad* the seat acted as a petty jury, whose decision was final; but resembled a grand jury in their proceedings touching such other matters, the house having reserved to itself the right of final decision upon them. In the case of Mr. Davison, no mention had been made of him in the petition from Ilchester, though something came out in evidence before the committee which they made the ground of special report. What course did the house adopt? Did they send him to Newgate? No, they sent him to his trial. All the precedents were against the opinion of the right hon. gentleman. In the Shoreham case, which had occurred within a year after the passing of Mr. Grenville's bill, whilst Sir George Saville, Lord John Cavendish, Mr. Dunning, and Mr. Wedderburne, who had been the most strenuous and zealous supporters of that bill, were in the house, no conclusion was come to against the returning officer till he was heard in his defence. There was no other precedent which bore upon the present case. With respect to the general

question he should beg leave to submit a few questions to the house, which, to save them trouble and time, he should answer himself, and by monosyllables. Does the house, or does the law, give a copy of the charge against them to the returning officers? No.—Have the committee power to bring the returning officers to trial? No.—Have the returning officers power to oblige the committee to try them? No.—Have they the right of challenging any number of the jury by which they are to be tried? No.—Have they a voice in appointing them? No.—Have they a voice in appointing nominees? No. In a case where there were three parties, two were allowed to choose nominees in the house, whilst the third was put upon trial without any such advantage. He contended, therefore, that the sheriffs had a right to be heard by counsel. It had been frequently of late thrown in the teeth of the house that they could not examine witnesses on oath. This could never have been the spirit of the constitution, and if they had not that power, it was time they should have it, and he was sure no branch of the legislature would object to it. Here he thought it not amiss to advert to what had been the practice of the Irish parliament in similar cases. The question often occurred, and the practice had been to retry the sheriffs, and hear over all the evidence. This had been found troublesome and laborious to the house, and therefore they passed an act, whereby the copy of the charge was directed to be given to the sheriff, and the committee had power to try the whole case, so that their decision was final and conclusive on the house. On a future day he should move for leave to bring in a bill similar to that which had been passed in Ireland. He concluded by moving that the word “now” be left out.

Lord Marsham concurred in the object of the hon. gentleman, though he differed with him in his statements of facts, and the conclusions which he drew from them. He agreed with that hon. gentleman in wishing the sheriffs to be heard by counsel, and on this subject there had been hardly any difference in the committee, whose sentiments he expressed. The whole of the evidence undoubtedly had not been laid before the house, but such parts had been selected as were best calculated to enable them to form a just opinion on the conduct of the sheriffs. All that dry part of the evidence respecting particular votes, which could throw no light on the subject, had been omitted. As to the assertion that the sheriffs had not been fully heard, he should say, that though the

the committee had informed their counsel that they need not attend during the whole of the scrutiny, the counsel for the sitting member had attended to their interests, and were allowed the privilege of cross-examination. The noble lord concluded with declaring his wish and that of the committee to be, that counsel should be heard.

Mr. Fox thought it unnecessary to trouble the house, after the opinion that had been given by the noble lord. He should only observe, that all the arguments that had been used on a former day applied against the hearing of evidence, not against the hearing of counsel. The argument had been, that the evidence on oath before the committee was better than any parole evidence. The house had decided this question; but he, notwithstanding that decision, remained of his former opinion, and thought that evidence ought to be heard before they agreed to the report of the committee, and consequently counsel. The committee had had the advantage of the comments of counsel, of which they had not made any report. Why should not the house have the enjoyment of that advantage? It had been argued that the house ought to have confidence in their committee and agree to the report. But why stop there? why not place the same confidence in their recommendation to hear counsel? He thought it an extraordinary circumstance, for a member of great weight in that house for talents and official situation, to come down and persuade the house to a conclusion in the teeth of all its precedents. He hoped that some way would be found out for hearing counsel on the present case, as the contrary course would not be very honourable to the house.

The *Master of the Rolls* was of opinion that some legislative measure ought to be resorted to, in order to settle this question, which certainly stood at present upon bad grounds. Either the committee should have the whole judgment of the case, or the house should retain it altogether. The question whether counsel should be heard was not to be decided by any abstract reasoning, but by what had been the practice of parliament. All courts of justice had the same principles. He did not know how far the sheriffs were bound by the report of the committee; that was to be regulated by the practice of the house. The hon. gentleman had said that he did not agree with the decision of the house on a former day. He had not been himself in the house at the time of that decision, but fully concurred in it. There had been no instance of hearing evidence or counsel on the report of a

select committee, when election cases were referred to such committees formerly; and since the Grenville act, there was additional reason for confiding in the report of select committees. There was nothing in that act to give to the house the power which it had never exercised with respect to former select committees. No court of appeal tries the merits of a judgment, but the evidence on which that judgment is founded. It would be an anomaly to distribute the power of decision, half to the committee, and half to the house. They had the written evidence, but they had not the advantage of confronting the witnesses; and therefore it would be desirable to hear counsel. If they were to try the whole case, they should hear evidence, and as it might be possible that such evidence might induce them to reject the evidence taken before the committee, he could not easily say what course in such a case ought to be adopted. Exculpatory evidence too might be produced; which would also lead to difficulty respecting the resolutions of the committee. All these circumstances proved that some legislative measure was necessary to shew how the returning officers should be tried. Great inconvenience would arise from allowing a full hearing in the committee and in the house. A clause similar to the provision of the act in Ireland had been proposed to be added to Mr. Grenville's bill in 1778, but was afterwards, he knew not why, withdrawn. If he were to judge from the mere reason of the thing, he should be of opinion that counsel ought to be heard. Every court was infinitely assisted by hearing the arguments of counsel, in forming its decision. No judge, if he were to receive the case in writing, and consider it in his closet, could have the same comprehensive and clear view of it as after having had the advantage of the arguments of counsel. It was impossible for any one mind to consider all the bearings of a case, as completely as he would be enabled to do after it had been discussed by a number of persons. For his own part, he wished for the benefit of counsel. The only point was, whether that would be consistent with the practice of the house. It had been said in a former debate by some gentlemen, that it would be proper to hear counsel in some stage of the business, but he was of opinion that if they were to be heard in any, it ought to be the present stage, which would be more advantageous to the house, and to the parties, than if they were to be heard when they came to discuss the degree of punishment. There was a total absence of precedents, for there

was.

was no case of counsel being offered. If the case had been only left *sub silentio*, it would be for the house to determine how far it should admit a practice on which the law was silent. He threw out these observations for the purpose of their being considered by those who were more conversant with the usage of parliament.

The *Chancellor of the Exchequer* perceived that the question was rendered much narrower than in a former debate, when the hon. gentleman's (Mr. Fox's) argument went to the hearing the whole of the case. The motion of the hon. gentleman (Mr. Sheridan) which he understood the other hon. member to acquiesce in, was solely confined to the hearing of counsel. If counsel were at all to be heard this was the time, and if the house should be of that opinion, he should not object to it. At the same time he confessed, that from the best consideration he had been able to bestow on the subject, he was not aware of any case in which the party had been heard either by his counsel or by himself. But there were a variety of cases, and no doubt there must be some of them bearing on this question, and shewing what was the sense of parliament upon it. The resolution of the committee had been accompanied with the evidence, and appeared to him to come under the fourth head contained in the report of the committee appointed in 1789 to examine into precedents. He did not think, and he was sure no gentleman who heard him could think, that much light could be thrown upon the particular case by the arguments of counsel, however it might be desirable with a view to the general principle to have them called in. He agreed, that the question ought to be decided, not by any abstract reasoning, but by what had been the practice of the house. The point of importance was, not to set the example of departing from the practice of parliament, nor to follow the example of attributing less weight to the decision of their committees. As, however, a number of gentlemen seemed to be of opinion that counsel should be heard, and his learned friend also inclined to that opinion, he should not have any objection, provided it was to be clearly understood, that no other proposition was to be grounded on his agreeing to this.

Mr. Sheridan had the hearing of counsel only in view, though he remained of the same opinion with his hon. friend as to the former decision of the house.

Mr. Fulier hoped that the hon. member had not intentionally

tionally omitted the name of Mr. Rose Fuller in his enumeration of those who had supported the Grenville act.

A short conversation then took place respecting the proper course to be followed; when the question, that the debate be now resumed, was carried in the affirmative, for the purpose of moving afterwards that counsel be called in.

Mr. Sheridan then informed the house [after having come in from the lobby, where he had been in search of the counsel], that the learned gentlemen, supposing the proceedings would be the same as on the former night, were not prepared to proceed.

Mr. Fox contended that they had no right to conclude that any other course would be adopted than that which had taken place on a former night, and he put it to the candour of the right hon. gentleman himself, whether he was not of the same opinion.

The *Chancellor of the Exchequer* admitted that he did think the present question involved in the former one; but when the debate had been last adjourned, it was under a distinct notice of the present motion, and therefore the counsel ought to have been prepared. He was not disinclined to grant any time consistent with the orders of the house, but it was derogatory from the dignity of the house to suffer itself to be trifled with. If the counsel, when called in, could assign any good reason for not being prepared to proceed, he should have no objection to agree to any convenient interval, before the debate should be resumed.

The order for resuming the debate being then read, and the counsel being called in, on the motion of *Mr. Sheridan*, *Mr. Adam* appeared at the bar, as counsel for the sheriffs, and stated, that he was not perfectly prepared; but, if the house desired, he would proceed in the best manner he could. He allowed it was highly unbecoming in any man to appear at the bar of the house of commons, otherwise than with every preparation which the best exertion of his faculties would enable him to attain. But if he might take the liberty of alluding to any thing that had passed in the house, there were some circumstances that had appeared in the printed votes of the house, which in some measure justified his present deficiency of preparation: it was at first to be understood from these votes, that it was the intention of the house to hear counsel; from a subsequent vote, it was understood that counsel was not to be heard. He was now in
attendance

attendance merely from the accident of having been in the neighbourhood, which had afforded his clients the opportunity of informing him that his presence was likely to be required. He took the liberty to remind the house, that there was no order for hearing counsel that day; and though, having formerly turned his mind very attentively to the whole of the circumstances of this case, and the law connected with it, he might possibly be still capable of calling many branches of it to his recollection so as not to be totally unqualified to present a statement of it to the house; yet he would consider it as matter of favour to himself, and advantage to his clients, if he was allowed time to review the case. He therefore conjured the house to permit him again to look attentively over the precedents of parliament in this case, from the earliest times, and the law connected with them; as, without this revision, he could but ill discharge his duty. The indulgence of the house would be applied by him in the best manner he could to the convenience of the house itself, by concentrating all that was important in the facts of the case, in the precedents, and the law upon them, so as to take up as little time as possible in his statement.

The counsel having withdrawn,

The *Chancellor of the Exchequer* said, that after what he had heard from the counsel, though he was not satisfied that the counsel had not heard something which it was not so proper for him to hear, he would not press the hearing of counsel that day. But after all the delays this business had experienced, he begged it to be understood that he made this concession on no other ground than that the proceedings should be fixed for the earliest day in the next week, and that whatever business stood for that day should give way to it. He trusted further, that gentlemen would come prepared to bring the matter to a final decision, as the hearing of counsel, now that the hearing of evidence was no longer insisted upon, would not take up so much time as to prevent the house from coming to a decision the same night. He would move that the debate be further adjourned till Monday, and that counsel be then heard. He trusted farther, that as no other business would stand for that day, the house would proceed to this matter at four o'clock.

The debate was accordingly adjourned till Monday, and counsel to be then heard.

Mr. Easter, in consideration of the importance of this business, consented to put off the Irish budget from Monday; but

but as all the Irish revenues would cease on the 25th March, if the acts granting them, which were annual, were not renewed before that time, he could not possibly consent to the delay, except on the understanding that his budget would be allowed to go on on Wednesday.

The *Chancellor of the Exchequer* expected also, that the proceedings on the tax bills, which were fixed for Monday, and put off only in consideration of the sheriffs' business, would be forwarded on Tuesday.

The notices which stood for Monday were deferred to subsequent days.

The remaining orders were disposed of, and the house adjourned till Monday.

HOUSE OF LORDS.

MONDAY, MARCH 11.

The pleasure horse additional duty bill was read a second time.

Earl Darnley observed, that he had given notice for the next day of a motion for certain papers, for the purpose of comparing the late and present admiralty boards. As he understood it would be inconvenient for the noble earl who was at the head of the late admiralty board to be in the house sooner than Thursday, he should postpone his motion till that day, when he hoped the noble viscount, now at the head of the naval department, would be prepared to say if he was ready to grant him the production of the papers he claimed. He therefore moved, that the order for the next day be discharged, and that the same do stand for the purpose he had mentioned for Thursday next.—Ordered.

Mr. Williams, secretary to the commissioners of naval inquiry, presented the eleventh report of that board.

On the motion of the Duke of Clarence, it was ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 11.

The Edinburgh police bill was read a second time, and committed.

The Bowyer lottery bill was read a second time, and committed.

Mr.

Mr. Williams, from the commissioners of naval inquiry, presented the eleventh report from that board.—Ordered to lie on the table and to be printed.

Mr. Rose presented, pursuant to order, an account of monies advanced from the treasury, in compliance with the addresses of that house, and which had not been made good by parliament.—Ordered to lie on the table.

MIDDLESEX ELECTION OF 1802.

On the motion of the Chancellor of the Exchequer, the order for hearing counsel upon the report of the committee respecting the conduct of Sheriffs Rawlins and Cox at the Middlesex election of 1802, was read, and the counsel being accordingly ordered in,

Mr. Adam appeared at the bar. The learned counsel began by expressing his thanks to the house for the indulgence shewn him on a former evening, by postponing the consideration of this subject, and thus affording him an opportunity of more satisfactorily preparing his mind for the discharge of the important duty which belonged to him. For this he was the more grateful, because he was thus enabled to do that which, notwithstanding the utmost solicitude for the interest of his clients, he felt it unnecessary to do before the committee, upon whose report the house was now called on to decide. Before he proceeded to shew that the resolutions of that committee were unfounded in law and the justice of the case, and that they were not sustained by the evidence on the table, he took occasion to observe, that from the order made in pursuance of which he appeared at that bar, the resolutions were perfectly open for the discussion. He also felt himself entitled to think, that the mind of the house was quite open upon the subject. If then he could make it appear that the committee had drawn conclusions from the evidence in charging the sheriffs with corruption, which that evidence did not warrant, and which were quite irreconcilable with all the probabilities arising out of the nature of the case and the character of the sheriffs, he had little doubt that not only the mind of the house at large, but that of the honourable persons of whom the committee was composed, would be prompt to determine against the resolutions. In those resolutions he begged the house to observe, that the committee had not only exceeded the evidence, but the charges of the petitioners who originally complained of the conduct of the sheriffs. The

Vol. L 1805. 3 Y petitioners.

petitioners complained of the sheriffs having acted unduly; but the committee resolved that they acted corruptly, and did, knowingly and wilfully, admit fictitious votes to be put upon the poll; that they acted in one instance ministerially and in another judicially, as it suited their corrupt views, to promote the election of Sir F. Burdett. This formed the substance of the three first of their four resolutions; and if the basis of those three should appear to be unsound, the fourth, which was a consequence deduced from them, must vanish of course. Now, as to the corrupt motive alleged, he could not conceive any allegation more unfounded, and unless that motive should appear to the house to have actuated the conduct of those gentlemen, it was impossible that it could come to a decision grounded upon the resolutions of the committee. The questions for the house to consider were these, whether the sheriffs had done their duty according to the best of their ability? whether, in the situation in which they were placed, they could have done better? whether, without the power of investigating a case of difficulty by the examination of witnesses, having no authority of administering an oath to any person but the freeholder, and only that with respect to his freehold, they were right in resorting to that course which accorded with the usual practice at elections, and which was prescribed by the law? Sheriffs were, the house would bear in mind, generally incompetent, from the nature of their education, to decide upon matters of law; and this incompetency was more naturally to be expected in the sheriffs of Middlesex than among the country gentlemen, as many of the former were persons who rose from success, perhaps in mechanical professions, to the office of sheriffs. However, in consequence of this general incompetency, great indulgence was due to mistakes of sheriffs where no corruption appeared; otherwise an office which held out no profit, but rather great expence and trouble, would be an extremely dangerous post. The sheriffs in this as in other cases of elections, chose proper persons to assist them by their judgment on questions of law. That those persons were not wrong in the advice they gave in the disputed points which the house were about to examine, would appear, he believed, very clearly from a revision of the acts of the 7th of Henry VI. the 7th and 8th of Wm. III. the 10th of Anne, and the 18th of George II. which pointed out the regulations relative to the administration of the freeholder's oath; also the resolutions

resolutions of the House of Commons, on the York and Dorset cases in 1625. From those latter and other decisions referred to by Serjeant Glanville, the power of the sheriff was defined; and it was confined to this, that when objection was made to a freeholder tendering his vote, the sheriffs having no power to inquire judicially into the objections, they had no criterion to recur to but the oath of such freeholder as to the value and time of possession, and such other points as are prescribed in the act of the 18th of George II. Such was the course adopted by his clients, and that course they uniformly followed throughout the election, as well with respect to the voters on one side as on the other. It appeared from the evidence of Messrs. Bushnan and Burchall, who assisted his clients with their advice, that a meeting took place the night before the election, at which a rule was laid down, among other arrangements, that in every case of objection to a voter, the voter's oath should be the criterion of decision, and that should the voter persist in tendering his vote, that vote should be received unless it came within the knowledge of the sheriffs or their assessors, that the party claiming had no right to vote. From this rule his clients never swerved; upon the ground of this rule they admitted the voters from the inns of court and the public offices in favour of Mr. Mainwaring; on the same rule they admitted the mill voters for Sir Francis Burdett. There was no case whatever, in which the oath of persons tendering their votes was rejected, but in that of those claiming from the Emanuel hospital, the tenure of which Mr. Bushnan happened himself to know not to be a freehold; and those rejected persons, the learned counsel wished the house to bear in mind, were tendered for Sir Francis Burdett. The learned counsel traced the conduct of his clients through the several days of the election up to the 12th, during which he maintained that the evidence would bear him in stating that the regulations they adopted were approved of by both parties, and were in all cases applied with the most rigid adherence to justice and impartiality. That the charge of a conspiracy to promote the election of Sir Francis Burdett by the introduction of the mill voters was inapplicable to his clients, the learned gentleman endeavoured to shew by a reference to the evidence as it relates to those voters. From that it appeared that the existence of such voters was not known to the sheriffs until the morning of the 13th day of election, when Alb. Cooper

and others came to the poll. The testimony of Mr. Clifford stated that those voters were discovered by him accidentally on the 6th day of the election, and that he kept it a secret for several days. The learned counsel therefore argued that his clients could have no preknowledge of the intention to produce such voters. Upon the day the first set of them came to the booth, Cooper and others were taken round to the sheriffs' box, to have their claim discussed. This practice of taking objected voters round to the sheriffs' box, to have their objections investigated, he observed, had prevailed from the commencement of the election, with the implied consent of all parties. After Cooper and the others had gone round, a discussion arose, which continued about four hours, the counsel on both sides being present. But yet it being impossible to decide the fact as to the tenure of the voters from the inability of the sheriffs, as he before stated, they determined to act upon the rule laid from the beginning. They therefore, after fully explaining, in the most solemn manner, to Cooper and the others who accompanied him, the nature of an oath, requested him to deliberate upon what he was about to do, acquainting him, however, that if he persisted in demanding to vote, his vote must be received, upon taking the freeholder's oath. Cooper and his companions retired, and after some time came forward again to the hustings and tendered their votes. Mr. Burchall went to the front of the hustings, repeated a solemn admonition to them, and administered the oath to them; this oath they took, notwithstanding the menace of Mr. Sylvester to prosecute them for perjury. It was stated by Mr. Sylvester, in his evidence, that on the 14th day he tendered the act of William the third to sheriff Rawlins, and called upon him for a reconsideration of the case of the millers; but to this application, which was seconded by Mr. Mainwaring, sheriff Rawlins replied, that the case had been decided the day before, and that he would not go into it again. Mr. Sylvester also stated, that sheriff Rawlins would not suffer him or Mr. Mainwaring to put questions to the voters on the hustings, on the 15th day. Now, in point of fact, the act of William III. which sheriff Rawlins refused to consider, had no relation to the question, and to permit the interrogation proposed by Mr. Sylvester on the hustings would be inconsistent with the practice that antecedently prevailed without any exception, to take votes objected to round to the sheriffs' box. This practice arose from a wish to prevent the interruption

interruption of the poll. It was acted upon during the 1st and 2d days of the election, when voters were crowding at the hustings for Mr. Mainwaring; and he would therefore put it to the candour of any man, whether it would not be the grossest injustice to allow any deviation from that practice on the last day of the election, when voters were crowding to the hustings for Sir Francis Burdett? Mr. Sylvester also complained that he was rudely treated by sheriff Rawlins; but another witness, Mr. Cater, who was present in the sheriffs' box when the thing complained of arose, stated that which fully justified the conduct of sheriff Rawlins, and that the demeanour of the complainant was very different from that which one would have a right to expect. From the rank and profession of Mr. Sylvester, he felt it an unpleasant task to make any observation upon him. He was no doubt, as a crown lawyer, respectable; and administered the law, in the court in which he presided, with much credit; but yet he must say, that in election law, it was clear that that learned gentleman was out of his proper sphere—that he undertook a new trade:—

Ne futor ultra crepidam.

With respect to the charge against his clients, of refusing to examine the voters upon the land tax assessments at the request of Mr. Mainwaring's friends, he begged to state to the house, that this request was not made until the 7th day of the election. Not a word was heard of it on the first day, when Mr. Mainwaring polled above 1000 votes; and he would submit it to the consideration of the house, whether it would have been fair, whatever might be the power of the sheriffs, to comply with that request, to establish a rule on the seventh day, that had been entirely overlooked during the preceding part of the election? Would this have been dealing equitably towards all parties, as his clients had determined to do? The resolution of the committee charged his clients with admitting some mill voters on the 14th day, and rejecting some of the same description of voters who tendered their votes on the same principle on the 15th day, in order to preserve the majority of Sir Francis Burdett. In the whole of the evidence he could not find one tittle to sustain this allegation. The fact was, that in consequence of a suggestion from Sir William Gibbons, who was a friend of Mr. Mainwaring's, on the evening of the 14th day, that some persons were expected to tender their votes on the following day for the Good Intent mill, who had only just purchased

chased shares for the purpose of voting, Sheriff Rawlins questioned the first class of mill voters who presented themselves on that morning, and finding they were not qualified to vote from time of possession, they were rejected. Now although those rejected persons were tendered for Mr. Mainwaring, it must be obvious that as at the time of their rejection that gentleman was twenty-five a-head on the poll, and also that the rejection occurred in consequence of the previous suggestion of Sir William Gibbons, the corrupt motive which the resolution of the committee ascribed to his clients was completely inapplicable. As to the statement in the testimony of Turner Smith, who described himself as a roving commissioner of inspection for Mr. Mainwaring on the hustings, that on the 15th day the freeholder's oath was gabbled over by the voters for the purpose of expedition; that statement was most positively and pointedly contradicted, by the evidence of Messrs. Cater and —, who were the sheriffs' agents for the administration of the oath, and who swore that they were enjoined to administer the oath in all cases with due solemnity. Having gone through various parts of the evidence, to shew the facts of the case with respect to the conduct of his clients, Mr. Adam recurred to a consideration of the law. He maintained that the same principle of law must apply universally; that there could not be one law for Lancashire and Yorkshire, and another for Middlesex and Rutland. The spirit of the law did, he was quite convinced, sanction the rule laid down and acted upon by his clients. The law could not enact that which it would be physically impossible to execute. It allowed but fifteen days for any election, and if the returning officers were to act judicially, if they were to inquire into any disputed vote, if they were to act otherwise than his clients had acted, to resort to the criterion of an oath upon all difficult cases, it would be utterly impossible to go through in fifteen days the election of such a county as Yorkshire, to receive above 40,000 votes. Indeed it evidently was not the intention of the statute, that the returning officers should act any other than ministerially during those fifteen days. If the close investigation of the votes were demanded, what was called the scrutiny act prescribed thirty days for the continuance of such investigation. During this scrutiny the sheriffs were invested with judicial power, and the distinction between the fifteen and thirty days clearly proved that the returning officers were merely authorized,

authorized, in the first instance, to administer the freeholder's oath, and not entitled to go into any scrutiny of the freeholder's claim. If, indeed, the returning officer should refuse to receive the vote of a freeholder, who should express his readiness to take the oath, such returning officer would be liable to an action, from which, even should the verdict be in his favour, he could not escape without some loss. This consideration would, he trusted, combined with the law and the facts he had stated, produce in the mind of the house a due degree of indulgence for the situation in which his clients were placed, and render the house slow to pronounce a verdict of guilty against men who were so circumstanced, and who had so acted. The learned counsel denied that his clients had come to any adjudication that rendered them liable to the charge of acting judicially on the last day of the election, as Mr. Sylvester seemed to infer. The fact was, that the persons tendering on the occasion to which the adjudication was said to refer, could not conscientiously take the oath. If they would take that oath their votes must have been received and put on the poll. The learned counsel concluded by conjuring the house to weigh well the circumstances in which his clients were placed—to take a fair and full review of the conduct they had pursued throughout the election—that being themselves not legally educated, they had acted under the advice of those who were—that although they might be mistaken, their uniform unvarying application of the same rules to all parties proved that they were not corrupt. Addressing himself to an enlightened assembly, he trusted that the fate of his clients would be consistent with its character, and with the force of their claims.

As soon as the counsel had withdrawn from the bar, the Speaker stated the question, that the house do agree with the resolutions of the committee, the substance of which was, that the sheriffs of Middlesex had been guilty of partiality and corruption, particularly on the 13th, 14th, and 15th days of election, by admitting persons to vote who claimed under right of their being partners in the Good Intent mill, in the parish of Isleworth, so as by that means to give a colourable majority to Sir Francis Burdett, bart. and also by refusing to admit other persons, under the same circumstances, to poll in favour of Mr. Mainwaring.

Mr. Rose observed, that he was convinced the case was clearly made out against the sheriffs, and he believed that
would

would be the opinion of the house, notwithstanding these gentlemen had had the advantage of the full exertion of as eloquent and able a person as any in his learned profession, and as likely to make an impression on the house as any learned gentleman who could be called to its bar. But if he should have the good fortune to obtain the attention of the house he had no doubt he should make it appear that every word in this resolution was truly applicable to the conduct of these sheriffs. He contended that the sheriffs had acted with great partiality towards Sir F. Burdett, in suffering an orator to appear daily before the hustings to harangue the populace, to abuse, calumniate, and vilify Mr. Mainwaring, and all who voted for him, and this practice was continued daily without intermission. Grotesque figures were also exhibited of a man supposed to come from Clerkenwell prison, which was denominated the bastille, who were made to represent a scene of flogging; and many other representations were suffered to be made for the purpose of terrifying voters from polling for Mr. Mainwaring, a practice highly unbecoming in itself, and greatly injurious to the freedom of election, and by which, if this was to be adopted every where, all the counties in the kingdom would be represented by those who could collect together the greatest mass of persons of the lowest classes, without property, without industry, without character, and without any quality whatever which renders men respectable in society. He argued from the evidence that much of this practice prevailed at the said election, and that the sheriffs declined to put an end to it, although they had constables enough for that purpose. He argued also from the evidence, that the sheriffs had acted partially in the manner in which they had received the mill votes for Sir F. Burdett, by which several hundreds of persons were put upon the poll whom the sheriffs knew could have no right of election whatever. This question, he contended, would have been decided at once, if the land-tax assessments had been referred to; but although the proper officer attended the hustings for the purpose of producing those assessments, and although the sheriffs were desired by Mr. Mainwaring's counsel to have recourse to those documents, yet they refused to do so, by which they acted contrary to the plain letter of an act of parliament of the 20th of Geo. III. c. 17, and which they were bound to understand. They would not have the advice of counsel, but were in a great measure guided by Mr. Burchall, one of the under sheriffs; Mr. Walsh, the other under sheriff,
not

not busying himself with the election. Mr. Burchall was allowed to be a gentleman of ability, but it appeared that he had been twenty-four years acting as deputy sheriff for the same county, and there was an old act of parliament, which, although generally considered to be obsolete, was, he apprehended, still in force, which prohibited any one person from being more than one year in succession deputy sheriff for the same county, and by which he apprehended this gentleman to have forfeited a vast number of penalties. He then cited a great number of passages from the evidence, by which he maintained that the corrupt misconduct of these gentlemen was manifest; indeed, he never knew any case of a returning officer so flagrant a breach of duty as the present, and it became the house to mark it with a proper degree of punishment, not for the sake of severity against these individuals, for against them he had no personal ill-will, neither was it a luxury to him to ask for the punishment of any body; but the object of punishment was not severity towards the guilty, but terror to others, by way of prevention of the repetition of crimes. He therefore concluded with observing, that he must assent to the resolution as preparatory to the necessary punishment of those who were the objects of it.

Mr. Peter Moore differed entirely from the right hon. gentleman who had just spoken. He thought the evidence given before the committee did not justify the resolutions of the report which tended to criminate the sheriffs. He would recommend to the committee to retire to their chamber again, and re-examine the evidence, when he verily believed they would come to a report acquitting the sheriffs altogether; for they had truly conducted themselves in an exemplary manner; and if the right hon. gentleman should ever happen to be sheriff of a county where there was a popular election, it would be well for him to imitate the conduct of these gentlemen. As to the complaint of partiality in their conduct for the interest of Sir Francis Burdett, it was an unfounded charge. The mill voters were all freeholders, but they had not occupied their freehold long enough, and could not be allowed at that time, although they are good now; but a vast number of persons holding places had voted in virtue of them as freeholders, who were no freeholders at all, as had been decided by the committee, and all those had been admitted to poll for Mr. Mainwaring; they were therefore infinitely worse voters than the mill owners. The one had a right of election that was not mature; the other had no right of elec-

tion at all. As to Mr. Burchall, he was a gentleman of learning and ability in his profession, not likely to incur the penalties of a statute as had been stated; and as to integrity, he was one of the most immaculate persons in the kingdom. He then took a general view of the report and the heads of the evidence, and concluded with dissenting from the resolution.

Lord Marsham said that the committee had not decided without giving the fullest consideration to all the evidence that had been produced. There had been little or no difference of opinion among the committee respecting the resolutions they then came to, and he must say for himself, that no material alteration had taken place in his opinion on the subject. His lordship then adverted to the principal topics of the counsel's speech. He could not allow that the imputation of partiality in the sheriffs was at all disproved by their having admitted many votes for Mr. Mainwaring, which the committee afterwards struck off on account of not being assessed to the land tax. Many of these voters were men of large property, and in other respects unobjectionable. It had appeared that a certain person, called "the orator," was allowed daily to insult one candidate and his friends, and that the sheriffs took no effectual step to prevent it. As to the mill voters, the committee would not have imputed a corrupt motive to the sheriffs in receiving them, if their attention had not been particularly called to the subject. The principal point which decided the committee that their motives must have been bad, was their having acted judicially for a considerable time during the election, and afterwards declaring they considered themselves as mere ministerial officers. It was a mockery of all the forms of justice, to bring voters round to the sheriffs' box, and hear the arguments of counsel on the validity of their votes, if no decision was to follow the argument; and if they meant to decide upon the arguments they heard, it was absurd to say they could not act judicially. Whatever rule of conduct they thought proper to lay down for themselves, they should have steadily adhered to it. It required no uncommon understanding to have governed themselves by some fixed principle; but in varying from their own rules, they did appear to have acted wilfully and corruptly. His lordship then commented on various parts of the evidence, and justified the resolutions which the committee had adopted.

The *Solicitor General* had listened with great attention to the

the able argument of the learned counsel (Mr. Adam), but differed from him most materially in the conclusions he drew from the evidence before the house. There were many lesser parts of the case, which, when added to what was the most substantial part of it, would prove clearly the disposition of the sheriffs. He conceived the whole of the question for the house to determine was simply this : whether the sheriffs, seeing, on the thirteenth day of the election, that Mr. Mainwaring was at the head of the poll, and thinking that it would be possible, by giving a colourable majority to Sir F. Burdett, to procure him to be returned, did not wilfully and corruptly admit the mill voters, well knowing that they had no freehold or right to vote ? and whether, when by means of a number of these mill votes Sir Francis had gained a colourable majority, the sheriffs had not refused the votes of others that came forward under circumstances precisely similar to those whose votes had been before admitted ? In the discussion of those questions, he did not wish to deal hardly with the sheriffs, but should argue from the evidence of their own witnessess. Messrs. Bushnan and Burchall had stated the advice that they had given the sheriffs, to admit every vote that they had not a perfect knowledge was a bad one. Had they conformed themselves uniformly to this advice, which they themselves professed to lay down as the rule of their conduct, they could never have admitted those votes, which, after the questions which had been asked, and the argument that had been offered, they must have certainly known to be bad votes. When Albion Cooper, the first of those mill voters, offered to vote, the circumstances of the mill from which he claimed the right of voting were fully disclosed. It then appeared that one thousand and two shares were made of some premises on which those small cottages had stood, that a mill had been partly erected, but had not even been roofed in. Above 300 persons had actually subscribed, and in case that they could get money enough to finish it, and that the mill should answer and no accident happen, then they were to receive an allowance in the price of their bread, which would save them at least forty shillings a year each. It was on this sort of speculative freehold that they had offered to vote. It was not because the sheriffs had not rejected their votes on the ground of joint tenancy or any other legal objection, that he considered their admission to be a proof of corruption in the sheriffs, but because the value of those shares was so palpably under forty shillings annually, that as soon as the

sheriffs heard the circumstances of the case, they must have known they did not possess a freehold; and that in sending them to the poll, they were sending them to commit perjury. A corrupt motive also appeared to him very evident, when Sir William Rawlins would neither suffer Mr. Mainwaring nor any of his agents to question some of these people about their freeholds, when he rudely pushed Mr. Mainwaring away, and would neither let him ask the question nor put it himself. No rule that he could have laid down could justify him in such conduct, to a man of Mr. Mainwaring's age; and in the situation he then stood; and his refusing to put the question himself, did appear wilfully rejecting that information which he might have had. It was true that on the 15th day of the poll, he did put questions to many of the mill voters, and prevented several of them from voting; but, as it appeared from the evidence of Mr. Clifford, it was not till this gentleman, thinking the election was completely turned, and that it was then a hollow thing in favour of Sir Francis Burdett, told the sheriff that he was afraid the last set of mill voters had been sent up by Mr. Mainwaring's friends to throw a slur on that description of voters, and it was then, and not before, that Sir William Rawlins interfered to prevent their voting. An interference at such a time, and under such circumstances, was surely no proof of impartiality. (Mr. Fox here observed across the table, that this last set of mill voters came on the morning of the 15th day, when the majority was for Mr. Mainwaring.) The solicitor general then shewed from the evidence of Mr. Clifford, that it was in the middle of the day, and that the great body of the old whigs, including Mr. Erskine and Mr. Sheridan, had come up that day to the poll. He then ludicrously contrasted the competition between the old whigs and the mill voters, which should have the honour of deciding the election. Although it appeared to him most clearly, that the conduct of the sheriffs justified the resolutions of the committee, he declared himself still open to conviction, and should be very glad that any arguments could be adduced to make him change his opinion.

Mr. W. Smith concurred in disapproving of the conduct of the sheriffs, but still did not believe they had acted from a corrupt motive. As to the irregularities of the populace in front of the hustings, it was as competent to the rest of the magistrates as to the sheriffs to have prevented it. He considered that too much stress had been laid on the testimony of

of Mr. Adolphus, which did not quite agree with the testimony of other witnesses. Allowing then that the sheriffs had acted wrong, he concluded by moving, as an amendment to the resolution, that the word "corruptly" should be left out of the resolution.

Sir Watkin Williams Wynne condemned the conduct of the sheriffs in admitting the mill votes. It was impossible, he observed, that any one of common understanding could be ignorant that these votes ought not have been received. He had no doubt, from a consideration of all the circumstances, that the sheriffs had been guilty of an undue partiality. He, therefore, heartily concurred in the resolutions that had been adopted by the committee.

Lord Henniker, in opposition to the statement of Mr. Smith, observed that the hon. gentleman seemed to be mistaken respecting the power of the magistrates at the election. The power was chiefly vested in the sheriffs on these occasions, and it depended on them to restore order and keep within due bounds the proceedings of the mob. They, therefore, were answerable for whatever misconduct might have taken place.

Mr. Smith explained, by observing that he did not say that it was the business of the magistrates in the first instance to quell the tumult; but only that if the conduct of the mob was so gross as it was on some occasions represented, the magistrates might have interfered, and the sheriffs would scarcely have refused their concurrence in such measures.

The question was here called for, and the gallery was cleared; but no division took place; so that it was agreed to adopt the resolutions of the committee without any.

Another resolution had been proposed by Mr. Rose to this effect, that the sheriffs, Robert Albion Cox, esq. and Sir W. Rawlins, knt. had, in their conduct and practice during the election, acted in violation of their duty, contrary to law, and in breach of the privileges of the house. When strangers were admitted,

Mr. Fox was on his legs, and contending that it ought to be considered, that if the sheriffs were blamable in not agreeing to the receiving of the land tax assessment books, other sheriffs had been equally culpable. If that alone had been the ground of charge, it might be questioned whether the late sheriffs had not been liable to some animadversion.

Mr.

Mr. Charles Wynne observed that the conduct of the sheriffs had been very reprehensible in not agreeing to the production of the land tax assessments, as they were clearly directed to do by act of parliament. He readily agreed in the resolution, and hoped that it would be followed up in order to assert the right of the electors. The house, perhaps, were to blame in delaying this so long.

The *Chancellor of the Exchequer* was of opinion, that in order to point out distinctly to future sheriffs, that they were to comply with the act of parliament in receiving the assessment books, an amendment should be introduced into the motion. He therefore proposed that the resolution should stand thus: that the sheriffs, by their conduct and practices at the election, both as appears from the foregoing resolutions, and in refusing to receive the land tax assessment books, had acted, &c. &c.

Mr. Fox contended that the criminality of the sheriffs in the affair of the land tax assessment books was shared by almost every returning officer that had presided at a Middlesex election.

The *Attorney General* read a part of *Mr. Adolphus's* evidence, in order to shew that they had refused to inspect the land-tax books.

Mr. Smith observed that the evidence of *Mr. Adolphus* ought to be received with many grains of allowance, and read a part in which he seemed to be contradicted by another witness.

The *Chancellor of the Exchequer* read a part of the evidence, shewing that an express requisition had been made to the sheriffs to allow these books to be produced, and that they had refused.

The resolution and the amendment were then agreed to without any division.

Mr. Rose then said that it was his duty to follow it up still farther; and he accordingly moved that the sheriffs should be committed to Newgate, and that the speaker should issue his warrant for that purpose. This motion was agreed to, without a division.

The *Chancellor of the Exchequer* gave notice that he would on Friday submit a motion to the house relative to the reduction of the militia. The other orders of the day were then deferred.—Adjourned.

HOUSE

HOUSE OF LORDS.

TUESDAY, MARCH 12.

Mr. Adam was heard for the appellants in the Scotch appeal, the earl of Kinnoul and others against the honourable Ramsey Maule, and others, his tenants, proprietors and occupiers of fishings on the river Tay. The farther hearing was postponed till the next day.

JUDGE FOX.

The Marquis of Abercorn read to the house a long paper, containing the articles of complaint against Mr Justice Fox, for the purpose of having the same referred to the committee.

Lord Auckland objected to the manner in which this business was conducted. It was not his intention to go back on the proceedings so far as to inquire whether the best possible mode of instituting and conducting the business had been originally adopted? Viewing the present, however, as an original application, and one on which, therefore, he was at liberty to express his opinion, he could not help considering it as liable to great objections. The delicacy of the subject had, so far as he could understand, been universally acknowledged, and it had been admitted to be a question not only important, but novel and unprecedented. If, however, the practice which seemed to be in the contemplation of the noble marquises were once to be countenanced; if it should be held that a judge of the land were liable to informations, founded on the hearsay of any one of the three hundred and sixty members of that house, or of the six hundred and fifty eight members of the other, he was afraid complaints similar to the one then before the house, would not long be so novel as they had hitherto happily been.

The *Lord Chancellor* begged the noble lord to consider, that the house had already, on maturely weighing the matter, come to a determination on the mode of proceeding which it would be proper for them to adopt, and had since proceeded to act on that determination. The noble lord's arguments, however, if at all entitled to weight, went, not to call in question the mode of proceeding which the house had adopted, but even to enforce the propriety of repealing the act of settlement. So long as that act existed, the proceedings of the house must be esteemed regular and proper. If there was any thing in the objection of the noble lord, the act of settlement was a nullity, and ought no longer to be allowed to exist. There was, however,

however, if he at all understood it, nothing in the motion of the noble marquis, could he have been allowed to have made it, which at all admitted of doubt. It was simply a reference to the committee to proceed on the specific allegations in the present articles of complaint, in the same manner as they had under the charge in the petitions.

Earl Spencer inquired whether there was any motion before the house?

The *Marquis of Abercorn* stated, that he had found the noble lord (Auckland) in the middle of his speech, while he was thinking how he should introduce his motion. He then read his motion, which exactly corresponded with what had been suggested by the lord chancellor.

Lord Hawkebury remarked that the motion of the noble marquis had become necessary, in order to satisfy some objections which had occurred in the committee. Besides the matter contained in the petitions laid before the committee, there was a general reference, to examine the charges alleged against Mr. Justice Fox. A question had arisen, how far the committee was warranted in taking into their consideration, under this general head of "charges alleged" against Mr. Justice Fox, what did not appear in writing. The motion of the noble marquis was alone meant to supply this deficiency.

Earl Spencer thought that the motion of the noble marquis went to refer to the committee what was already before them. It seemed to be a second reference of the same point.

Lord Ellenborough had an alteration in the wording of the noble marquis's motion to suggest, which, he had reason to believe, would obviate the objections of the noble earl who spoke last. He regretted that the house was in the situation in which they at present were. He thought it would have been more becoming their dignity, and more suited to the importance of the subject which they had to determine, that they should then have been proceeding as judges, called on, under articles of impeachment, to exercise their judicial capacity, according to the law of the land, instead of having yet to follow their own discretion. Such, however, had been resolved on by the house, and in this manner they were then called on to act, to the best of their discretion. He accordingly suggested, as an amendment to the marquis of Abercorn's motion, that the specific articles of complaint, as read by his lordship, and so far as not already contained in the petitions formerly presented, be referred to the committee.

After a few words from *Earl Spencer*, the motion was agreed to.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 12.

On a message from the house of Peers, the speaker and several members went to the upper house. On his return, the speaker acquainted the house that they had heard the royal assent given by commission to the loan bill, the additional postage duty bill, the quarantine bill, and some private bills.

Mr. Bagenel gave notice, that he would, on Thursday, move for leave to bring in a bill for the better regulation of elections in Ireland.

Lord W. Russell moved, that the order for taking into consideration the report of the Knaresborough election committee that day be discharged, and that the order be made out for Thursday. He should then move, that the attorney general be desired to prosecute the offending parties. The order for Thursday was agreed to by the house.

Mr. Creevey, with leave of the house, postponed his motion relative to the defalcation of Mr. Fordyce, from Thursday to Tuesday next.

An account was presented from the commissioners appointed for the reduction of the national debt in Ireland, stating the progress which has been made towards the attainment of that object.—Ordered to be laid on the table, and to be printed.

Mr. Kinnaird then moved the orders of the day.

The first was for the house going into a committee on the legacy duty bill.

On the motion of Mr. Sturges Bourne, this was postponed to Friday.

MUTINY BILL.

A conversation took place on the motion for the third reading of the above bill, and on the bringing up of the clause requiring the members of regimental courts martial to be sworn, and authorizing them to administer oaths to witnesses,

The Secretary at War, General Fitzpatrick, Sir Eyre Coote, and General Norton, defended the principle of the clause on the ground that it would tend to shew the soldier, in a still more convincing manner than ever, that the legislature had a careful eye over his interests, without there being the slightest murmur of complaint, and indeed when the house had the fullest conviction that no cause of complaint existed, but that the measure was such as parliament in its wisdom had thought

fit to adopt, for the purpose of giving a greater degree of dignity to the proceedings of such courts, and also with a view to the sheltering of soldiers against the effect of frivolous complaints, which are frequently made against them by persons who are not in the army, as the test of adjuration would be the means of ascertaining what was the truth with a greater degree of certainty than could hitherto have been done in such cases. At the same time the honourable members supposed that by this means a soldier would be rendered more contented with his situation, and the attachment of the soldier to the officer would be considerably increased.

Sir James Pulteney had not heard a sufficient reason established to authorize the house in making such an alteration in an established regulation of the army, under which it had flourished for many years. He thought there was a deal of good sense in a letter to which his right hon. friend (Mr. Windham) had referred, which observed, that though the manœuvres, which it is necessary for a soldier to be skilled in, are easily learned, the adaptation of the mind to a ready obedience to every order, a cheerful endurance of every hardship, and an inviolable attachment to his superiors, constituted the most material parts of a soldier's character, and was the most difficult to be obtained. The natural tendency of the clauses now proposed would be to disunite the soldier from the officer, as he would then think himself more independent of him, and the examination of witnesses on oath, as to the subject of inferior crimes, would be an obstacle in the way of ascertaining the truth; as they would frequently be apt to say that they believed, though they could not positively swear. There did not appear to be any practical necessity for the measure, and he should vote against it.

Lord Temple was unwilling to give his assent to the multiplication of oaths, especially when the party who was guilty of such a crime was not liable to any punishment for the breach of his oath. A general court martial was a court of record, the witnesses were sworn, and were liable to be prosecuted for perjury if they swore false. A regimental court martial was not a court of record, and could not, therefore, with propriety, be assimilated to that which was one.

The *Chancellor of the Exchequer* agreed with the gallant officer, that there was no practical necessity for the measure which was now proposed; but, as the subject had been brought forward to be discussed, he must say that he sincerely approved of the measure. It was the more generous of the house

house to grant so much in favour of the army without being asked to do so, or even hearing a murmur on the subject. With respect to the evasion of witnesses, on account of the solemnity of an oath, that would tend to shelter the soldier against frivolous complaints of inhabitants who might be ready to state their charges unattested, but who would be apt to be more cautious of bringing such charges against the men when they knew that they would have to attest them upon oath.

Lord De Blaquiére said, that the innovation was made by regimental courts martial being suffered to tread upon the heels of the general courts. However, he thought that it would be a mockery of the solemnity of their proceedings to have an oath administered for the examination of every charge of a petty nature.

Colonel Frankland thought that it might almost as reasonably be expected that a schoolmaster should be sworn to do justice at every time that there was a breach of order among his scholars, as to expect that such a measure should be resorted to on the trial of every petty offence in the army.

General William Stewart suggested the propriety of enjoining a more numerous attendance of officers on regimental courts martial. He thought that the number of officers requisite to form a court should be fixed at seven, or at the lowest it should be made necessary that five should be present. The quantum of punishment for trivial offences, he was of opinion, ought to be particularly defined, according to the nature of the offence.

Brigadier-General Charles Stewart would not have intruded himself on the notice of the house, being aware of the number of officers that were more experienced than himself, and consequently better judges of the clauses to be introduced into the bill before the house, had it not been for the circumstance of the similarity of rank and name between his hon. friend General Stewart and himself, and consequently of the possibility of his friend's sentiments, which he highly respected, but did not approve, being taken for his. He was against the ideas his honourable friend had stated to the house, of limiting punishments to be inflicted, and the necessity of seven or five officers on regimental courts martial. He had the honour to command a regiment of cavalry very much dispersed in Ireland, and if it was necessary in a dispersed quarter to assemble five or seven officers before a small offence could be punished by court martial, or to transport the prisoner, with all the evidence, sixty or eighty miles to head-

quarters, for the same end, the prisoner would be kept much longer in confinement before trial, and the thing attended with very great inconvenience, and no advantage. General Stewart thought military courts martial, as far as he could judge, conducted with decorum, and was against any clause being introduced in the mutiny bill; but would not attempt to say, as the thing had been agitated by the secretary at war, how far it was now politic to recede from the proposition.

The question was then put, and the clause read a first time.

On the question for the second reading of the clause, several other observations were made nearly to the same effect.

Sir J. Wrottesley, however, though he objected to the clause being added to the bill, said that he opposed it through an apprehension of the improper use that might be made of it by pettyfogging attorneys. He, however, did not press the house to a division.

That part of the suggestion of General Fitzpatrick that relates to the age of the president of a regimental court martial, was given up.

The other amendment, as already stated, was formed into a new clause, which was at length added, by way of rider, to the bill, which was then passed, and ordered to be sent to the lords.

HUSBANDRY HORSE TAX.

On the motion for the second reading of the husbandry horse duty bill,

Mr. Plumer observed, that the right hon. gentleman opposite (*Mr. Pitt*) seemed to be very much mistaken as to the capacity of the farmer to pay this tax. He assured that right hon. gentleman that the farmer could better afford to contribute towards the exigencies of the state when corn was sold for one fourth of the price which it now bears, than he can at present, notwithstanding the consideration of the high price of corn might induce gentlemen to form a very different opinion. If, however, as had been said on a former night, the tax should ultimately be made to fall upon the consumer, this was a time which was peculiarly unfit for the imposition of a tax which would fall upon the lower orders of the people. He did not make the objection which he now stated, on account of an additional tax being laid upon the people, as he knew that under the present circumstances of the country, it was the duty of every man cheerfully to give the utmost assistance towards the support of the state; but he objected to the tax,

tax, as falling upon a class of people who were unable to bear the burthen.

The *Chancellor of the Exchequer* thanked the honourable member for the manner in which he had given his opposition to the bill before the house; but he really doubted very much whether it was possible to produce a tax that would be less liable to exceptions. He would agree that after a little time it was most likely that the tax would fall on the consumer; but then he denied that it would fall upon him to the extent which had been stated. The farmers would have a competition in their own business, which, as in all others, would keep them within some reasonable bounds. They could not think of charging the public with every little additional expence to which they were subject, they could only make an advance in their prices in proportion to the aggregate amount of their expences. The right hon. gentleman then made a variety of calculations in order to prove the smallness of the sum which every inhabitant of Great Britain would in that case have to pay. The amount of the tax which would be actually raised from horses employed in husbandry, he said, would not be more than two hundred thousand pounds. The annual produce of the country was, at the lowest estimate, one hundred and fifty millions sterling. The two hundred thousand pounds to be raised off the farmers by this tax, and which it would be in their power in a short time to throw upon the consumer, was only one seven hundred and fiftieth part of the above sum, which was as nearly an equal portion of the tax as could possibly be calculated; the grass land being as one to one thousand, and that of tillage as one to five hundred, so that the tax answered to a medium between both these sums, and that is the only way in which both parties would be taxed nearly alike. Now, if the farmer advances on the prices of grain throughout the kingdom in an equal proportion to the revenue which he raises, and to the part of the tax which he will have to pay, he will add the one hundred and fiftieth part to the price of corn, which, taking it at seventy shillings per quarter, will be an addition of about three halfpence on every quarter of wheat, and, according to the best information which he could possibly obtain, that would be as much as would be necessary for each individual's subsistence in the year. It was impossible, in his opinion, to devise a tax which would fall more equally, or with less severity, upon any particular class of the community.

Mr. Coke observed that the operation of the tax would be such

such as to prevent marling and a variety of other improvements in husbandry. After taking a view of the state of agricultural affairs, he concluded with declaring that he should vote against the bill.

Sir W. W. Wynne was decidedly against the tax, as highly impolitic, inexpedient, and oppressive. He stated that land of an inferior quality, while it required more manure, also required much more labour than a soil of a superior quality. This labour of course required a greater number of horses, and hence the tax would be severely felt by a numerous description of farmers in different parts of the country. In this way, one description of farmers would not pay above one-half of the tax that would attach to others. On this ground, then, of the gross inequality in the application of the tax, he felt himself bound to oppose it, exclusive of many other important considerations. The tax held out the strongest discouragements to tillage, and operated as a direct encouragement to the grazing system, the increase of which had been matter of very grave regret. He had to state further to the house, that in mountainous districts of the country, the horses employed were much smaller, and consequently a greater number was necessary. It was needless for him to say, that, in many instances, the pressure of the tax would be cruelly oppressive, and if it was persisted in, he thought, at least, that regard to common justice would procure the introduction of a clause, by which farmers so situated might obtain some relief.

The *Chancellor of the Exchequer*, with reference to the last observation of the hon. baronet, reminded the house, that all horses not more than thirteen hands and a half high were now exempted, and that no change in the present arrangements on this subject was intended by the bill. He thought it proper to say further, that as a certain description of small farms were exempted from the duty on horses, so even after the bill passed into a law they would remain in the same situation.

Sir W. W. Wynne contended, that if horses of thirteen hands and a half high were exempted from the duty, horses of fourteen hands and a half high should also be exempted.

Mr. Fox objected to the tax, as throwing material obstacles in the way of cultivation, and directly encouraging that grazing system, which many intelligent persons thought had already proceeded to a dangerous length. It struck him too as having a direct tendency to oppress small farms, and to raise large

large farms throughout the country on their ruins. Whether this last system was or was not the best, he would not stop to inquire, but this at least was certain, that the persons holding small farms were not so well able to endure such impositions, and therefore the tax operated as a direct and specific check on agriculture. Viewing it in that light, he felt himself bound in duty to oppose the further progress of the bill.

The *Chancellor of the Exchequer* denied that the bill could have any practical effect in discouraging agriculture.

Mr. Hamlyn Williams was also against the bill, which, from his own knowledge, must, if carried into effect, operate in a very unfavourable manner on the general agriculture of the country, and particularly that part of the kingdom with which he had the honour to be connected.

Mr. Dickens said a few words on the same side.

Mr. Giles argued that the situation of the farmers was already one of considerable peculiarity. The house ought to consider that if the right hon. gentleman's defence bill was to be acted upon, and the existing deficiencies were to be supplied, this would impose on the landed interest a tax of no less than four hundred thousand pounds; and surely this was a matter for very serious consideration, before a tax such as that now proposed was agreed to. But he had risen chiefly to state what, if proved, must render it altogether impossible, consistently with good faith, to persevere in the tax. What he alluded to was, the manner in which the farmers contributed to the payment of the property tax. They were to make their payment on an estimate of three-fourths of the profits on their farms. If, however, such a tax as this was imposed on the farmer; if his capital employed in industry was in this manner to be curtailed, it could not then be said that the proposed scale was adhered to. On the contrary, it was quite clear that the farmer would be put in a much worse situation than the scale of his assessment seemed to promise, and which he had every reason to look to as the criterion of his payments. In this point of view, then, the tax altering that mode of assessment which the property tax laid down, compromised the good faith of parliament, and on that ground, if no other objection existed, could not be entertained by the house.

Mr. Canning denied that there was any force in the objection of the honourable and learned gentleman. If the argument proved any thing, it proved a great deal too much, and therefore it was totally useless. If it proved any thing, it went the length of shewing that the farmer was in no instance
to

to bear his share of fresh public burdens—that in no case was his situation to be altered from what it was at the time when the scale of assessments for the property tax was framed. He saw no force at all in the honourable and learned gentleman's objections, arising out of the operation of the general defence act. The truth was, that, if nine or ten thousand men were to be raised by the act, or even a few thousands more, the amount would not be much above a man for each parish throughout the country, which could not surely be considered as at all oppressive. As to any wish to oppress the farmers by unnecessary burdens, he utterly disclaimed the idea. The corn bill of last session, the main object of which was to secure the farmer against the consequences of fluctuating prices, was indeed a sufficient evidence of the existence of a contrary disposition. Seeing in the hon. and learned gentleman's objection nothing but what militated against every new tax on farmers, of whatever description, he felt himself called on to support the bill.

Mr. Grey maintained, that according to the principle on which the general defence act was founded, there was a deficiency of eighteen thousand men to be provided, of which only between two and three thousand had been procured. If to these were added the nine or ten thousand men to be annually added to the army, there would be upwards of twenty-seven thousand men which the country could not furnish. If then the penalties were to be levied, the result would, he was persuaded, be what his hon. and learned friend had described. He could not help thinking, that, under such circumstances, the tax was to the last degree impolitic. If we were enabled to sustain the yearly accumulating burdens which pressed on us, and to make exertions suited to the exigency of our situation, we could only owe this to the increase and encouragement of our internal resources, and these resources the bill had a direct tendency to impede or to curtail. The right hon. gentleman had gone into some minute calculations to shew that the operation of the bill would not be oppressive. Those, however, who were to pay the tax, would not take the trouble to look at such calculations. They judged by its immediate effects, and they acted according to the feelings which an immediate pressure had excited. New burdens would discourage enterprise, and the produce of corn would be curtailed. As to the policy of the corn bill of last session, he should not then offer an opinion, but this was at least quite clear, that those who brought it forward and supported it, thought that agriculture

culture did require encouragement, and surely it was not very consistent in the right hon. gentleman who patronised this measure, now to become the author of a tax, the direct object of which was, to counteract the productive instead of the grazing system. As a friend to the landed interest, he should certainly give his hearty vote against the bill.

The *Attorney General* could not conceive it possible that the small sum of seven shillings and sixpence, which was the amount of the proposed tax on the agricultural horses of the kingdom, could at all check any existing spirit of agricultural improvement. So small a sum could produce comparatively no effect where so much capital, industry, and enterprise, was exerted. The mere apprehension of so trifling a tax could not, according to any of the common principles of human nature, operate on any extensive scale. As to the tax being a violation of the faith of parliament, he thought that the observations of his right hon. friend near him (Mr. Canning) were quite conclusive. Certainly, if the objection was good for any thing, it was conclusive against every new tax on the farmer. But surely, no man would hold a doctrine so monstrous as that, which was inconsistent with every principle of taxation. He thought the bill unobjectionable, and should therefore vote for the second reading.

Sir R. Buxton declared, that though he always reluctantly opposed any tax, he felt himself called on to oppose the present bill as highly impolitic and oppressive. The tax would operate partially, by falling with all its weight on the landed interest; and surely this was not the moment to load them with unnecessary burdens, after all the sacrifices they had made for the security of the empire.

Mr. Bastard also declared his hostility to the tax, as calculated to oppress the farmers, already labouring under severe burdens. He fully concurred in the idea that the tax was inconsistent with that good faith pledged to them in the mode of paying their assessments on the property tax.

Mr. Fuller spoke on the same side.

Mr. Spencer Stanhope also opposed the tax, as laying unequal burdens on different descriptions of farms. In hilly farms the number of horses required was much greater than in those on the lower grounds. Supposing two farms of a hundred pounds of annual rent, the tax would fall very heavily in the one case, while in the other it would scarcely be experienced.

Mr. Huskisson denied that the tax would diminish the number of agricultural horses. This effect had at least not followed the last duty which was imposed. Every attention, he asserted, was paid to the size of horses which the hon. baronet had alluded to. The number of horses exempted on account of their size was about twenty-nine thousand, of which there was no less than nine thousand Welsh horses.

Mr. Fellowes was strongly against the tax, and asserted that it must have the effect of diminishing the number of horses, and consequently injuring our agriculture. In every farm where eight horses were generally employed, an extra horse was always required, but the effect of the tax would be, that hardly even the bare complement would be maintained.

Mr. Baker (of Hertford) said a few words against the bill, and the house becoming clamorous for the question, the gallery was cleared for a division. On the division the numbers were—

For the second reading of the bill	73
Against it	76

Majority against the bill	3
---------------------------	---

The bill was consequently lost.

On our return into the gallery we found Lord George Cavendish stating the substance of a petition against the salt duty bill, which, according to the forms of the house, could not be presented.

The *Chancellor of the Exchequer* intimated that from information he had received, he did not mean to apply the tax the same way to Scotland, as to England. This he founded on the inferiority of the salt manufactured in the two countries. If, however, after fuller information there should be found any mistatement, he should feel himself at liberty to bring the matter under future discussion.

Mr. Kinnaird, in consequence of this explanation, thought it unnecessary for him to trouble the house with the motion of which he had given notice.

Sir William Young spoke against the bill, as alike injurious to our manufactures, to our trade, and our agriculture. If persisted in it would give the manufacturers of Ireland a decided superiority over the manufacturers of this country.

Sir R. Buxton supported this tax, on the same grounds as he had opposed the last: this tax would fall equally on all orders of the community.

Mr.

Mr. W. Wynne objected to the tax as cruel and oppressive to the laborious orders. He argued that salt was used in greater proportion by the poor than by those in the higher walks of life, and could not agree to a measure which was so materially to interfere with even the very subsistence of the poorer classes of the community.

Mr. Dundas asked for some explanation as to the effect of the tax in Scotland, and was referred by Mr. Pitt to his former explanation.

Mr. Rose could not admit that the poorer classes used as much salt in proportion as those in the higher walks of life. When the last tax was imposed, he had taken the trouble to inquire into the subject, and found that, in the one case, the consumption of each individual in a family was about eighteen, and in the other not much above eight or ten pounds.

Mr. Johnstone contended that the poor must use more salt in consequence of the frequent use of a vegetable diet, which it was well known required more salt than animal food. He was glad that the tax was not to apply to Scotland, and was more and more convinced that what he formerly advanced of the inability of that part of the kingdom to bear it was correct.

After a few words from Mr. Kinnaid and the Secretary at War, the gallery was cleared for a division. The numbers were—

For the third reading	-	92
Against it	-	54
		<hr/>
Majority		38

The bill was accordingly read a third time, passed, and ordered to the lords for their concurrence.

The Chancellor of the Exchequer moved the third reading of the property tax bill.

Mr. Fox rose, not to take the sense of the house on the bill, but to enter his protest against this gradual increase of the tax on income. He wished very much that some specific limits were set to such a tax, instead of such renewed per centages. If we proceeded in this way, our whole property might at last be successively engrossed.

The Chancellor of the Exchequer, in his turn, entered his protest against the doctrine that we were to limit our taxes at the commencement of a war, or come to any determination that our sacrifices should only go to a certain extent.

Earl Temple was anxious to introduce a clause for exempting subaltern officers from the payment of the tax.

This was resisted by the Chancellor of the Exchequer, who maintained that if these officers required relief, this was not at all the way in which relief ought to be granted.

Earl Temple wished to know whether the case of this very respectable body was likely to engage the attention of government.

The Chancellor of the Exchequer declined giving any explanation on the subject.

The clause was then offered and rejected. The bill was afterwards read a third time, and ordered to the lords.

The other orders were postponed, and the house adjourned.

HOUSE OF LORDS.

WEDNESDAY, MARCH 13.

Counsel were heard for the appellants and for the respondents in the Scotch appeal, the Earl of Kinnoul, &c. against Mr. Ramsay Maule, &c.

The property bill, the salt duty bill, and the mutiny bill, were brought from the Commons, and read a first time.

The pleasure horse duty bill went through a committee, and was reported.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 13.

Mr. Hassels, from the volunteer office, presented at the bar, pursuant to order, accounts of the sums expended on account of the volunteer establishment in Great Britain, which were ordered to lie on the table.

Mr. Dickinson presented farther papers relative to the question respecting Sir Home Popham, as formerly moved for.

Sir John Newport gave notice that he would postpone his motion respecting the Irish poor laws, which stood for the next day, to Monday.

Sir W. Scott gave notice that he would, on Thursday se'n-night, move for leave to bring in a bill for the better regulation of prize money.

On the motion of Sir John Newport, the pension list of Ireland, now before the house, was ordered to be printed.

On

On the motion of Mr. Sturges Bourne, the house went into a committee to consider farther of the report of the committee on the expiring laws, and agreed to the two resolutions, of which the report was ordered to be received the next day.

MIDDLESEX ELECTION.

Mr. Thornton presented a petition from George Boulton Mainwaring, Henry Thornton, Sir William Curtis, William Mellish, Samuel Cochrane, and other freeholders of the county of Middlesex, charging Sir Francis Burdett and his agents with bribery, corruption, and subornation of perjury, and complaining that they had procured numbers of persons pretending to be freeholders, who really were not so, to be received on the poll, and had procured others to vote more than once, obtaining by that means a colourable majority of one, and praying therefore that the return of the said Sir Francis Burdett be rendered null and void. *Mr. Thornton* was of opinion, all circumstances of the case being considered, that as early a day as possible should be fixed for taking this petition into consideration. He therefore moved that the next day fortnight be appointed for that purpose.

Mr. Creevey begged the hon. gentleman would recollect that there was a petition already before the house relative to the qualification of Mr. Mainwaring, the consideration of which was fixed for the 26th of April, and which he thought ought naturally to have the preference. He therefore conceived the house would see the propriety of not fixing a day for this petition prior to the period he had mentioned. He was inclined to urge this the more, as he conceived it necessary that the circuit should be over before entering on this subject, that those who are now absent on their duty might have an opportunity of being present.

Mr. Sturges Bourne admitted the propriety of letting the circuit be over before entering on this subject, but it would be over he thought by the end of this month, and a day early in next month might therefore be fixed.

After some farther conversation, Tuesday, the 9th of April, was fixed for the consideration of this petition.

Mr. Creevey moved that an humble address be presented to his majesty, requesting his majesty to lay before the house a copy of the appointment of John Duke of Athol to the government of the Isle of Man, as also a copy of the instrument by which John Duke of Athol appointed Lord John Stewart lieutenant-governor of the said island.

The Chancellor of the Exchequer had no objection to the motion of the hon. gentleman, but could assure him that no such appointments had ever taken place.

IRISH BUDGET.

Mr. Foster (the Chancellor of the Irish Exchequer) then moved the order of the day for the house resolving into a committee of ways and means.

Previous to the speaker's leaving the chair, a great variety of accounts relative to the Irish finances, presented according to former orders of the house, were referred to the said committee.

Mr. Foster—Sir, having detained the committee a considerable length of time last year, at a late period of the session, on the situation of Ireland, I shall not have occasion now to enter so much into detail. The appearances were then very discouraging, but they now afford a more comfortable hope. The career of decline has ceased; trade is on its turn towards gaining again its former height of prosperity. A very short statement will shew the ground on which I rest this hope. Our imports began to exceed our exports in 1800, and the yearly average amounted in official value from that time to 5,711,000*l.* their actual amount in like value last year was 5,718,000*l.* hardly to be called an increase. But even this increase, if you can call it so, exhibits no unfavourable symptom; on the contrary, much of it consists of advantageous articles; of raw materials for our manufactures, such as cotton wool, cotton yarn, and other matters of like nature; so that upon the whole our disadvantageous imports have rather decreased; and if we turn to exports, there we shall find much reason to be satisfied. The export of Irish growth, produce, and manufacture, last year, exceeded in amount that of any one of the last ten years; it was 4,902,000*l.* in official value. But this is not all; the whole account exhibits, if not a still more pleasing view, certainly a less gloomy one of our situation. The balance of trade, on an average of the years since 1800, has been at the rate of 1,195,000*l.* against us. It was in the last year only 655,000*l.* almost one half less than the average. Here then let us pause, and look how we stand. Our imports not disadvantageously increased; our exports larger than for ten years past, and the balance against the country reduced one half. Surely, if there is not cause for exultation, there is none for despondency; and if we examine the detail minutely,

nately, we shall see the view still better. We shall find that in the three quarters to Michaelmas 1804, our great staple manufacture, the linen, produced in export within three million yards of the whole export of the preceding year. I have not the particulars of the last quarter, to complete the year, but I am persuaded, from general returns, that the whole excess of the year will be above three millions. It is here worth digressing on this subject, to remark, that this great increase of linen export began in the quarter to Michaelmas, at the commencement of which the wise measure of repealing the duty on its export took place. I cannot attribute the whole of the sudden increase to that cause; but we may fairly presume that the removal of the despondency which affected the whole linen manufacture, from its first article of flax to its most finished state, through every stage, and every part of Ireland, on finding it made an object of taxation, contrary to the repeated faith of parliament, gave such vigour, and roused such a spirit among the people, as to push it forward with a briskness which no other cause could have produced. It was not the mere money operation or saving of a tax, but it was the re-establishment of the principle that it was to be duty free, which roused this happy and animated exertion. To select taxes in a commercial country, which shall not impede manufacture or trade, is always a fortunate as well as wise endeavour; but if by removing a tax we can promote a manufacture, we do still better. So far with respect to trade. Let me now call your attention to the debt of Ireland; and in this too our rapid progress has received a check. On 1st Jan. 1804, its amount was 44 millions; on 1st Jan. 1805, 54 millions; and on 1st Jan. 1806, it will be increased, not by ten millions as in the preceding year, but by a little more than half that amount, a sum tremendous in itself to reflect on, but rendered less so by comparison with the preceding year. I shall now proceed to the more immediate objects of the day; the demands for the services of the year, and the ways and means to meet them. The whole charge of the year 1805, for the debt of Ireland, including the sinking fund, is 2,611,623*l*. The proportion of 2-17ths of the sum raised by England for the joint charge of the year has been stated to be 5,403,102*l*. British, or 5,853,360*l*. Irish, making together the sum of 8,464,983*l*. which is the sum Ireland is to provide to pay the interest of her debt and her quota of contribution. In order to meet this demand, I shall take the revenues of Ireland at 4,000,000*l*. I shall explain my reason

reason for taking them at that sum presently. A loan has been stated as provided in England for raising 2,500,000*l.* which is 2,708,333*l.* Irish. A further loan is intended of 1,000,000*l.* There was a residue, on the 5th of January, of the loan of last year, to the amount of 738,789*l.* British, or 800,354*l.* Irish, which has not been transmitted to the Irish treasury, and I shall therefore bring it forward. These together amount to 8,508,687*l.* to meet a charge of 8,464,983*l.* I shall now explain why I take the revenues at four millions. They produced last year 2,800,000*l.* and the increase I proposed by the new taxes laid on, and the more effectual collection of the excise, was estimated as the remaining 1,200,000*l.* With respect to the taxes, I state with satisfaction, that they have operated, in the gross, perfectly to my expectation. The half-year produce of the whole revenues from customs, excise, stamps, and post-office, to the 24th of June last, was 1,344,000*l.* and to the 5th January 1,886,000*l.* The new taxes were in operation only during the latter period; many of them not till August, some not till October; and yet the increase was 552,000*l.* which if continued for the whole year, would amount to more than they were estimated at. Should it be thought that the latter half of a year may, from various circumstances arising from the nature of our revenues, be in itself more productive than the first; we will examine the year 1804, and we shall find that the revenue in the first six months to Midsummer, amounted to 1,369,000*l.*; and in the six months to Christmas, to 1,376,000*l.*; which affords an additional argument to the increase I attribute to the late taxes. It is true the excise has not answered the hope I expressed from a better collection. A great fund of revenue remains in it unproductive, sufficient, upon the most moderate computation, to give an increase, without a single new tax, of 500,000*l.* a year at least, and to afford this pleasing hope, that the present taxes, by a due collection, will supply most fully, and probably with an ample redundancy for reducing debt, all the interest of our debt, and all our quota for peace establishment. Take the interest and charges at 2,600,000*l.* there will remain 1,900,000*l.* I will call it in round numbers 2,000,000*l.* to defray our quota; but our quota cannot amount to this sum, unless that of Britain be 15,000,000*l.*; and I believe no man will say, that the peace establishment of the empire is likely to amount to 17,000,000*l.* exclusive of interest, sinking fund, and all charges for the debts of both countries. The excise, it is true,

has

has not answered in the prospect of an increased collection, particularly as to the great object of the distilleries. In talking of the collection of the revenues, I believe many gentlemen who hear me can bear testimony, that there is not a city or county in Ireland where the duties on distilleries are collected; they are not collected in the counties of Donegal, Tyrone, Cavan, or in any one county in Connaught; I may almost say, there is hardly one licensed still in them. As to Dublin, I will not enter into the detail of how the distillery stands there, we know it is a common topic of conversation. I will only say that among the many distillers I have talked with in Dublin, there is scarcely one who has not actually avowed to me that he did defraud the revenue; that he was under the necessity of doing so, from the sums he was under contribution for to the officers, and that he could not exist if he paid both them and his majesty's duties. Not very long ago the whole of them, seventeen or eighteen in number, refused to be examined upon oath before the commissioners, and sent in a memorial by way of apology, formally signed by them, stating, that it would be an act of perfidy in them to disclose facts which must tend to the injury of others; and that they could not, as men of honesty or honour, submit to be sworn to give answer or make any discovery: I have a copy of the memorial. I will add one circumstance more among the many which I could mention, that in the books of a distiller there, who became a bankrupt, a charge, as I am well informed, appears of 1200*l.* paid in one year as compliment or contribution to the revenue officers over him. The wretched system which is pursued with regard to the officers, is one great cause of the bad collection: their salaries are so small, and their habits of expence so great, that human nature cannot be expected to resist the temptation they are subject to: we must raise their salaries liberally, establish gradations in their amount, through which merit, and merit alone, shall raise the officer, before we can hope to rescue the distillery from fraud and peculation. All the exertions of the superior officer will be inadequate, without this measure being adopted. I hope soon to offer to your consideration means for ameliorating the whole system—it wants amendment much. It will hardly be believed in this country, that the sub-commissioners of excise, before whom almost every matter of revenue, whether import, export, or internal, is tried, are themselves seizing officers; that in every trial, their own case in some other place may be at issue; that their interests, their education, their habits lead them naturally to a bias against the defendants.

How can a jurisdiction so constituted be palatable, or how can it expect that efficacy and vigour, which the whole country might be inclined to give to the decisions of magistrates or the verdict of juries? The nearer we can get to the civil mode of trial in proceedings relating to the revenue the better; but above all it is particularly important, that the two boards of customs and excise should be separated, and each take care of its own concerns distinct from the other. I shall hope on a future occasion to call the attention of the house to this subject: meantime, having stated ample grounds to justify my expectation of the produce of the existing revenue for the present year amounting to 4,000,000*l.* and having offered the ways and means for 8,508,687*l.* while the estimate of demand is only 8,464,983*l.* it is evident that provision will be ample; and it now remains for me to calculate the interest and charge of the debt to be created, and to propose the means for defraying them. The charge will stand thus:

On 2½ millions, at 6 <i>l.</i> 17 <i>s.</i> 7 <i>d.</i> per cent.	British.	Irish.
the charge is	-	-
	172,062	186,400
On 1,000,000 <i>l.</i> suppose at same rate,	-	-
		68,825

Making in the whole a charge, including the sinking fund, of - - - £255,225

And to answer it I shall first propose a tax on several articles, which, though of importance, yet, with the exception of one, are trifling as objects on which taxation will be felt. It is scarce worth while going through the whole detail. I propose to increase the duties on the importation of

TIMBER, RAISINS, PEPPER, &c.

An honourable gentleman who represents the city of Waterford seems alarmed at the idea of a tax on timber; but if he thinks that the revenue must necessarily be raised on something, there is nothing on which a tax can fall more lightly than on foreign timber. It will certainly not affect the poorer classes. There is hardly a cabin of a poor man in Ireland that is made of foreign timber. Perhaps in Waterford it may be otherwise, owing to its contiguity to the sea. The increase I propose is double the duties on all timber except deal, and to add half the duties on deal; and even so, the whole of the duty with the increase will not amount to a quarter of what is received in Great Britain; and I should state that no increase is to be made on any timber from the colonies or United States, nor any staves from any place. These duties I take at 36,000*l.*; and it may perhaps remove a little of the objection to the duty on timber, when it is known that the increase

increase. I propose is about one penny a cubic foot only, which is not 4s. on the ton of 40 feet. The next tax will certainly not affect a poor man or his cabin. A duty on

HORSES,

not on *agricultural* horses (*a laugh*)—riding horses, and horses that draw carriages which are subject to duty: it will be much smaller than what is paid in England. It will be 15s. for a single horse, with an increase in proportion to the number kept, and there will be exceptions which will allow a man of small means to employ his horse for necessary uses without tax. The horses of real effective yeomen will also be exempt. I now come to

DOGS,

a tax which may, and I hope will affect the lower classes, and lead them to economize their food, and not waste it on the number of dogs which now infest the roads and villages from almost every cobbler. I do not mean, however, to extend it so far as to deny to a poor man the comfort of one dog for his family, it will be framed on the model and amount of the present tax in Britain.

CURRICLES

occur next, and I see no reason why they should not pay the same as phaetons or any four wheeled carriage.

GIGS

will also admit of a considerable increase of duty; and there is another species of carriage peculiar to Ireland no way taxed at present; I mean

JAUNTING CARS.

The tax on them I shall propose to be very light, only 5s. each; they are not only a comfort, but a means of health to many persons in the lower rank of life, and I trust so slight a duty will not compel any one person to deny himself a continuance of their comfort. These three articles I estimate at 10,000l. I shall now introduce an article after the example of this country, in which I am persuaded of the concurrence of one half of the community, and which no person need pay who does not wilfully prefer doing so. Gentlemen who continue bachelors, and are able to afford to keep male servants, may very well pay 15s. a year additional for each, which, even allowing for any little inducement to exempt themselves by bettering their condition, may be estimated at 4000l. a year.

PAPER, HAT, AND AUCTION

duties are now badly collected; but a better collection with a small increase will produce 12,000l. a year.

THE POST OFFICE

will afford an addition of 20,000*l.*, from an increase of 1*d.* a letter for postage. With regard to the post office, I wish to mention, that it is in contemplation to recommend a measure not only for the prevention of the frequent robberies of the mails, but for their speedier conveyance, by sending them in coaches. The first great object towards this will be to procure proper surveys upon one regular system of the most level, direct, and practicable lines from post town to post town, deviating from the present roads, where hills can be avoided, or distance shortened. The next will be to provide for the means and the execution, and these will be obtained by very little alteration in the powers of grand juries to present, and by procuring advances where their presentments would be too heavy, if to be laid on as rapidly as the work might require. When these roads shall be completed, I shall hope that the principle will be felt and admitted, that the first great object of the post-office is the convenience of the public in the security and expedition of conveying its letters. The next and secondary one is revenue, which should not be looked to till the first is accomplished. There is another matter respecting postage which I will only mention now, and reserve the detail for a future day: a tax on all passengers between Ireland and England in the way of a turnpike toll, to be appropriate to rendering the harbour for the packet more commodious. It certainly must be a desirable object to both countries to facilitate the intercourse between them. If the packets between Dublin and Holyhead could be so arranged that they could sail at low water, it would be a great advantage. A small duty laid upon passengers would produce about 3000*l.* a year; and upon that a sufficient sum might be borrowed to make the necessary alterations in the harbour. This, however, will be a subject for future consideration. I now come to an object of taxation, which I mean to explain minutely. I need not remind gentlemen, that in the year 1791 the hearth money duties were taken off the lower orders, and raised on the higher. Houses that had one hearth amounted to nearly 500,000. There were comparatively very few houses that had two hearths. The whole loss to the public, by taking off the tax, was 28,000*l.* What I wish to do is not to revive the tax, but to lay a tax on houses under seven windows, so as to include those wealthy and substantial householders who live with one hearth only, and enjoy that exemption which was intended only for the cottager and

and the labourer. Where the persons inhabiting them pay 50s. a year, the tax I propose is 3s. But to guard the poor man from being called on, he will be exempt if he is not worth 10l. or does not rent land to the amount of 5l. a year. In order to be liable to the tax, he must pay 50s. a year for his house, or be worth 10l. or rent 5l. a year in land; but where the house is worth 5l. a year, the tax will be 6s. In return for this duty, which is not to attach on houses of seven windows, I mean to exempt all houses under seven from window tax, after the example of England. The whole of the new tax on houses under seven windows may be estimated at 21,000l. a year, and its net produce at 15,000l. after deducting 6000l. for the amount of the present duties on five and six windowed houses. Houses with above six windows are well able, in general, to contribute somewhat more than they do, and they will be called on for an increase of one-fourth of their present duties, or in other words 25 per cent. on the produce of the existing duties. I have only one further measure of taxation to offer; an increase of duties on licences and stamps, estimated at 70,000l. The licences principally affected will be those of auctioneers, publicans, and brewers and maltsters. The increase on stamps I shall not offer till a future day. To recapitulate the whole then in one view, I compute the

Increased duties on import of timber, raisins, pepper, and sundries, at - - - - -	£36,000
Tax on horses and dogs - - - - -	48,000
—on curricles, gigs, and jaunting cars - - - - -	10,000
—on male servants of bachelors - - - - -	4,000
—on houses under seven windows, 21,000l. but deduct 6000l. for houses of five and six windows, to be exempted, as in Britain - - - - -	15,000
—on paper, hats, and auctions - - - - -	12,000
—25 per cent. on windows - - - - -	-
—Increased stamps and licences - - - - -	70,000
—on post-office, additional 1d. a letter - - - - -	-

This in British money is - £195,000

In Irish money £211,250

Additional postage 20,000

Windows - 31,000—Total, 262,250l.

Deduct the charges, 255,225l. and there will remain 7,225l. surplus. One subject only remains to be mentioned, the treasury bills, which are to fall due from August to November next,

next, and which I have not included in the estimate I have offered for the year. The provision for them is purposely reserved for consideration on a future day. I shall now close this statement, which I may possibly have not detailed as fully as some gentlemen may wish, but I have directed papers to be ready for delivery to-morrow, containing the present duty, and the proposed duty on each article; and also what the British duty on the like article now is. Mean time I shall with pleasure give any explanation I may be called on for, and shall proceed by moving the first resolution as to the imports.

Mr. James Fitzgerald complained that the accounts respecting the Irish finances were not laid early enough before the house to give members an opportunity of entering minutely into the subject. He contended that there was no occasion for the loan proposed, and was consequently hostile to the new taxes submitted by the right hon. gentleman. The balances in the hands of the revenue collectors, the surplus of the consolidated fund, and the other extraordinary resources of Ireland, he contended, after going into a number of financial calculations, were amply sufficient, unless they were allowed to be otherwise disposed of, to meet the exigencies in question, and thereby render any new duties unnecessary. He complained of the manner of conducting the Irish revenue, and of its too frequent anticipation.

Lord A. Hamilton by no means admitted that the trade of Ireland, and consequently its finance, was in that flourishing state represented by the right hon. gentleman. Her imports, he stated, exceeded her exports by a million. He was against borrowing such large sums, but thought it particularly pernicious when such loans were to be made out of the country.

Mr. Corry, relatively to the account between Ireland and Great Britain, contended that that account not having been settled, was owing not to Ireland, but to Great Britain. The accounts on the part of Ireland had been made out when he was in office, but those on the part of Great Britain had not been obtained; remittances however had been occasionally sent to Ireland, which went so far in the mean time to the liquidation of the balance due by Great Britain.

Mr. Foster denied that any remittance whatever had been made to Ireland upon the account alluded to by the right hon. gentleman. He could not find, indeed, that any remittances had been made to Ireland from the treasury of this country, but in consequence of the loans.

Mr.

Mr. Pitt intimated that he should feel it his duty to move, on Monday next, for the appointment of a committee to examine the accounts of the two countries.

The resolutions were agreed to.

Mr. Foster then moved the continuance of the 6 per cent. duty on retail importers in Ireland, against which, the right hon. gentleman observed, so many, and in his judgment such unfounded complaints had been made to the house by petitions and otherwise.

Mr. D. B. Daley stated that he had that day received an application from his constituents to oppose this tax, and he should comply with their wishes.

Mr. J. Latouche also expressed his objections to the tax, and said that he should state the ground of his objections in a future stage.

The resolution was agreed to, and upon the resolutions respecting spirits, timber, &c. being read,

Mr. Foster said that he declined entering into a detail of the rates respecting those taxes, as he intended that a printed schedule should be delivered at the door the next day, containing the present and the proposed duties, together with the duties upon the same articles in England.

The several resolutions being agreed to, the house resumed, and the report was ordered to be brought up the next day.

The other orders of the day were postponed.

Mr. Fitzgerald gave notice that he would the next day move for the production of certain accounts with respect to the balances in the hands of the collectors of the revenue in Ireland, and the arrears due from England to that country, &c.
Adjourned.

HOUSE OF LORDS.

THURSDAY, MARCH 14.

The committee of privileges on the Rous peerage was postponed for a fortnight, that the Duke of Rutland might have an opportunity of being heard in support of his claim to that title.

Lord Walsingham reported that the Earl of Buckinghamshire had made out his claim to vote at the election of the Irish peers, as Lord Hobart.

The property bill and the salt duty bill were read a second time, and ordered to be committed for the next day.

Previous to the second reading of the mutiny bill,

The

The *Marquis of Buckingham* rose, and begged leave to call the attention of the house to the innovations which had been made on that bill since it was last before their lordships, particularly in those clauses by which the presidents of regimental courts-martial are required to be on oath themselves, and to administer oaths to the other members of the court, and to the witnesses to be examined. The noble marquis stated that it was not his intention, on these grounds, to oppose the second reading of the bill, but merely to call the attention of their lordships, and of the noble earl who forwarded the public business through that house, to the alterations which he had noticed. He had at the same time to regret, in common with the noble and learned lord on the woolsack, the disagreeable situation in which that house often felt itself placed, of either impeding the business of the nation, by interfering in bills to which, by the usage of parliament, any alteration made by them must prove fatal, or of passing bills which were grossly defective and objectionable.

Lord Walsingham conceived that the observations of the noble marquis were irregular and premature. He knew it was in contemplation of the noble earl (Camden) when he should come to move the second reading of the bill, to notice the alterations to which the noble marquis had alluded.

Earl Camden having moved the second reading of the bill, recapitulated the different alterations which it had been deemed advisable to make on it.

The *Duke of Clarence* said it could by no means be supposed that it was his wish, at such a period, to object to the present bill. It was his intention, however, when the bill should be proposed to be committed, to call the attention of the house to the alterations which had now for the first time been introduced. He should therefore move that the house be summoned for the day on which the bill was meant to be committed.

The bill was then ordered to be committed the next day, and the house to be summoned.

ADMIRALTY BOARD.

Earl Darnley rose, agreeably to notice, to move for certain papers, for the purpose of comparing the conduct of the late and of the present admiralty boards. Certain papers, somewhat connected with this subject, had been moved for by a noble earl (Fortescue) some days since, but they were not sufficient for the object which the noble lord (Darnley) had in view. His object embraced two grand points; first, It having been objected

objected against the late admiralty that they had not a sufficient number of vessels of a small size engaged in the service of the country; his inquiry went to this, namely, by what species of force had this deficiency been supplied by the present admiralty board, since their coming into office? Second, It having been alleged as an additional charge against the late navy board, that they had improperly neglected the building of ships of war in merchants' yards; the next object of his inquiry would be for such evidence as might be material to shew how far this practice was or was not beneficial to the country, and conducive to the improvement of the navy. In considering these points, it was his lordship's intention to consume very little of their lordships' time, and to abstain from every thing which might have the most distant tendency to provoke any observations from the noble lord at the head of the admiralty board. All he wished was a fair opportunity of judging of the merits of the two admiralty boards, and that all argument and discussion on the subject should be reserved till the papers necessary to form such a judgment should be before the house. On the former of these points, it would be necessary for the house to be possessed of an account of the ships purchased and employed in his majesty's navy since the accession of the present admiralty board, with their age, tonnage, the valuation put on them, the sums paid for them, the expence of fitting them up as ships of war, and of any alterations since made on them. As grounds for this motion he thought himself warranted in stating, though he by no means pledged himself for the truth of the assertion, that several of the ships thus purchased were unfit for service, had been repeatedly declared so by those appointed to inspect them, and had nevertheless been purchased into his majesty's service. For this purpose he must move for copies of all letters and representations between the different boards on the subject; and also for all representations from the different commanders, respecting the unfitness of the vessels to perform the services of ships of war. On the second point, as to the propriety of building in merchants' docks, the noble earl said it would naturally fall to be a matter of inquiry, how the number of artificers in his majesty's docks stood, in comparison to what they had been at the time of the mutiny, when it had been deemed necessary by the late admiralty board to dismiss many of them from their situations. This was surely the more necessary, as it would appear that several persons who had been then dismissed, had since been re-

ceived back into his majesty's yards. Such a step, unquestionably, could alone be dictated by a feeling that there were not a sufficient number of artificers employed in the dock-yards at the time the present admiralty board came into office. So far, however, from this being the case, he was informed that in March 1804, the number of artificers employed in his majesty's dock-yards exceeded those employed in March 1805, by upwards of 120. As to the propriety of building in the merchants' yards, some idea might be formed from this single circumstance, that while ships of seventy-four guns might be built in the king's docks at 21l. per ton, and at a fair profit, in merchant's yards, from 24l. to 25l. per ton, the present admiralty had contracted for ships of a similar dimension at no less a sum than 36l. per ton. The noble earl then proceeded to shew what had been the repair of twenty ships for one year, within the last twenty years, in the merchants' yards, and by calculation maintained that the expence of entirely rebuilding those ships would not have exceeded one half of the amount of the sums actually expended for repairs in a single year in merchants' docks. His lordship concluded with the following motions:

For an account of all the ships which have been purchased for his majesty's navy since the 16th of May 1804, specifying from whom, their age and tonnage, the valuation put on them by the officers of the dock-yards, the sums paid for them, the expence of fitting them as ships of war in the merchants' and king's yards, and of any alterations which have been made in them since they were first fitted.

For copies of all letters and representations which have passed between the admiralty and navy boards, and between those boards and the commissioners, or other officers of the dock-yards, respecting those ships.

For an account of the expence of arming these ships, specifying the number, nature, and calibre of the guns which they were reported to be capable of carrying when they were purchased, and of any alterations which have since been made in their ordnance.

For an account of the number of artificers and labourers who have discharged themselves from his majesty's dock-yards at Deptford and Woolwich in each month since the 1st of June 1804, specifying their several classes.

For the number of shipwrights borne in all the yards on the 1st of March 1805.

For

For an account of the sums paid by the navy board, and to whom, for the repair of the following ships in merchants' yards in the years expressed against their names, viz.

Boston,	-	-	1783	L'Aimable,	-	1792
Maidstone,	-	-	1784	Tartar,	-	1792
Southampton,	-	-	1784	Succes,	-	1792
Niger,	-	-	1784	Ariadne,	-	1792
Lizard,	-	-	1784	Magicienne,	-	1793
Pearl,	-	-	1784	Dædalus,	-	1793
Carysfort,	-	-	1785	Andromache,	-	1793
Lowestoffe,	-	-	1786	Flora,	-	1793
Boston,	-	-	1791	Fury,	-	1793
Retribution,	-	-	1792	Bull Dog,	-	1793

For an account of the sums for which ships of the same size and force have been built at the same period, according to the contract prices then paid to the merchant builders.

Lord Melville rose, not to object to the motions of the noble earl, nor did he think it would be necessary for him to say much on the subject, as he entirely agreed with the noble earl, that such discussion would come more properly before the house when they were possessed of some documents on which to form a fair and candid opinion. From such a discussion he was free to declare he was far from shrinking, but should be happy to court it whenever the house should be prepared to enter on the subject. If he at all understood the purport of the noble earl's motion, it principally went to inquire into the conduct of the present admiralty board, in building in merchants' yards. If such were the nature of the charge against them, to that charge he pled guilty. It was not how far such a mode of proceeding was proper, supposing it to be merely matter of choice which the house would be called on to consider; but, if such a step was not dictated by necessity. He most solemnly declared, that, but for the merchants' yards, he could not have preserved the British navy in the situation in which he was conscious it ought to be kept during a period like the present. If he recollected well, when the noble lord formerly at the head of the admiralty retired, the number of ships of the line in commission was about eighty-one. Of the addition since made, thirty had come from merchants' yards; now he would ask any of their lordships to consider, if they would think themselves or the country sufficiently safe with such a number taken away from the present

sent naval establishment of the country? He had no hesitation in declaring it to be his decided opinion, that if it could be done consistently with the safety of the country, building in his majesty's docks was to be preferred to building in merchants' yards. Such, however, was an experiment not at present to be tried, and if in not relying on it he had been culpable, he had been culpable along, and in the same manner, with every board of admiralty which had existed in this country; for he would venture to say that no board of admiralty could be pointed out in the annals of this country, who had thought it prudent, in time of war, to depend solely for building and repairing of ships on his majesty's docks. If the present admiralty board, even while labouring under this necessity, had acted imprudently, and had made improvident applications of the public money, in giving, as the noble earl had stated, 36l. for what might have been done for 24l. or even for 21l. that was still a charge for which he also confessed they were highly responsible, and which he should also be prepared to meet. He begged, however, that noble lords would not be led away by any *prima facie* evidence on that subject. The noble earl's calculation, so far as he was concerned, was correct; but the house might be assured it did not apply to the present moment. They had only themselves to form a calculation in their own minds as to what would have been the expence of building a house fifteen or twenty years ago, and what it would be at the present moment, to form some idea of the fallacy of the statement. The other subject alluded to by the noble earl was one on which he felt it delicate to touch, as it regarded himself, and went to make a comparison of the merits of the late and present admiralty boards. Justice to himself and to his colleagues, however, called on him to say, that this country was not without examples where the naval administration of the country had been more happily and gloriously conducted by noble lords, unacquainted with naval tactics, than it had ever been under persons who could claim, and justly possessed, much practical knowledge, and had, like the noble lord lately at the head of the board, performed many gallant exploits. There could be no harm, as the noble person alluded to was now no more, in mentioning Earl Sandwich as a person to whom, as first lord of the admiralty, this country was not without obligations. When he looked round also in that house, he could not forbear casting his eyes on a noble earl (Spencer)

(Spencer) who, with another noble lord, whom he did not then see in his place, had filled the situation of first lord of the admiralty during the last war, when so many gallant exploits were performed, and under whose administration we had to boast of the exploits of Howe, St. Vincent, Duncan, Nelson, &c. &c. There were none of the motions of the noble earl to which he meant particularly to object, except those which regarded communications or representations from the captains employed in the command of the vessels to the admiralty board. To the production of those he could not at once agree, for though, as observed by the noble earl, commanders had in general a regard for their vessels, and were accustomed to speak of them in high terms, he begged it to be remembered that this was not always the case. Captains, no doubt, when they were acquainted with a vessel, spoke well of it, and with their acquaintance the good opinion increased; but such was not the case of a captain newly appointed to a vessel, and, which particularly at the beginning of a Spanish war, might promise to be a bad sailer, from which he would naturally pray for as speedy a dissolution as possible.

After an explanation from Earl Darnley, the motions were agreed to, the representations from the captains of the vessels only being suppressed, and two additional motions made by his lordship for the letters from the captains of two other ships lying over for disposal, when Lord Melville should have examined their contents.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, MARCH 14.

Mr. Boyd Alexander presented petitions from different parts of Scotland against the late corn law, which were ordered to be laid on the table.

The report of the sugar drawback bill was brought up. The resolutions were read and agreed to.

Mr. Foster then gave notice that he would the next day move, that the law upon the same subject, which relates to Ireland, be referred to a committee of the whole house.

Mr. Huskisson, in the absence of his right hon. friend (the Chancellor of the Exchequer) gave notice, that it was his intention to move the next day, that his motion, relative to the militia of Great Britain, which stood for that day, should be postponed to Monday next.

The

The hon. member then presented an account of the sums of money which have been paid into the treasury by the executors of the hon. Keith Stewart since the year 1797.—Ordered to lie on the table.

A message was delivered from the lords, stating that their lordships had agreed to the pleasure horse duty bill and some private bills.

Mr. Fitzgerald moved for the production of an account of the charges upon the consolidated fund of Ireland; also a statement of the amount of the present unfunded debt of that country, the payment of arrears, &c. pursuant to his notice of the preceding day.

Mr. Foster had no objection to the papers being produced; but assured the right hon. member that they would not answer his purpose.

Lord Archibald Hamilton, with the consent of the house, put off his motion, which stood for Monday, till Thursday next.

A new writ was ordered to be issued for the election of a representative for Trinity College, Dublin, in the room of Geo. Knox, Esq. who has accepted of the office of one of the commissioners of the treasury, and another for a member to represent King's County, in the room of Sir Laurence Parsons, Bart. who has also accepted of the office of commissioner of the treasury in Ireland.

Mr. Alexander brought up the report of the committee of ways and means of the preceding day.

Mr. Foster stated that he had been disappointed as to the printing of the schedule of Irish duties, of which he had spoken the preceding day. He now expected that they would be ready by the next day. If, however, there should happen to be any further delay in the printing, he hoped that the representatives of that part of the united kingdom would not, on that account, resist the further progress of the measures which he had spoken of in the committee, as it was well known that the money bills of Ireland expired on the 25th of March. He then moved that the consideration of the report be deferred until the next day.—Ordered.

Col. Bagwell moved for leave to bring in a bill to amend the 35th of the king, with a view to the better regulation of elections in Ireland, with particular reference to the voting of persons holding freeholds under the yearly value of 20l. His object was to make such persons produce the deed or agreement by which they held their freehold, before they should be considered to have a right to poll.

Mr.

Mr. Fitzgerald reminded the hon. member that he had last session moved for leave to bring in a bill to the same effect, but that the house did not agree to his proposition. He hoped that the present was calculated to remedy the defects in the measure which he had proposed.

Col. Bagwell said that he had omitted the exceptionable parts of that bill.

Mr. Dawson thought it would be better to have such a measure brought forward when there were more of the representatives of those who would be affected by the bill present. On account of the absence of such persons, he hoped that the hon. member would content himself with giving notice that he would bring the measure forward at an early period next session.

Mr. Alexander declared that he thought there was not any thing which had a greater tendency to vitiate the minds of the people than the admission of 40s. freeholds. He therefore supported the motion of the hon. member. He hoped also that a clause would be introduced to declare that the deed which the freeholder produced should be stamped according to law, and, that unless it were so, he should be considered as having no right to vote.

Sir John Newport hoped that the measure would not be abandoned; at the same time he could not avoid censuring members who came over for a fortnight or three weeks, and then returned.

Mr. Francis said that it was most unparliamentary language for any member of that house to say that a measure should be put off, because others did not think fit to attend to their duty in parliament.

Leave was then given to bring in the bill.

Lord William Russell moved the order of the day for the consideration of the special report of the Knareborough election committee.

The resolutions having been read and agreed to,

The noble lord moved, that the attorney general be ordered to prosecute the persons implicated in the charge of riot and confusion at the said election.

Mr. Rose observed, that as one of the persons was an attorney, if he was proved to be guilty, it would be competent to the noble lord who presided in the court of king's bench to prevent his abusing further that profession. He did not mean to cast any reflection upon persons belonging to the profession of the law, but he was convinced that there

was

was not any set of men whatever that were greater ornaments to society when they were well disposed, nor greater pests when they had a contrary inclination.

The *Master of the Rolls* inquired if any other prosecution had been instituted against the persons named in the report.

Lord G. Cavendish answered in the negative.

An order was then made pursuant to the terms of the noble lord's motion.

The other orders of the day were postponed, and the house adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 15.

The property tax bill and the salt duty bill went through committees, and were reported.

Lord Auckland gave notice of his intention to move, on Tuesday next, for a committee to search for precedents of complaints made to that house, resting on the authority of individual peers proceeding on information received out of doors; how far such complaints had been entertained by the house; and how far they seemed consistent with the law and constitution of parliament; if in any, or in what instances such complaints had been exhibited against judges; and also to consider the acts of the 12th and 13th William III. chapter 2d, and the first of his present majesty, relating to the judges.

Lord Grenville suggested to the noble lord, whether it might not be proper to throw into the motion a question for the opinion of the twelve judges on the point whether such complaints were agreeable to law?

Lord Auckland understood that that question had been already answered in a case which had occurred in 1663.

The house was accordingly ordered to be summoned for Tuesday, to consider of Lord Auckland's motions.

MUTINY BILL.

The house having gone into a committee on the mutiny bill, and the clauses newly introduced having been read,

The *Marquis of Buckingham* rose, not, he said, to oppose the bill, but to state why he objected to the additional clauses which he had just heard read. His objections were twofold: 1st, he could see no policy in the proposed alterations; but, 2dly, if they could be esteemed wise and politic in themselves, the

the framers of the clauses had omitted to accompany them with such facilities as were calculated to give effect to any beneficial consequences which, even in the eyes of those who approved of the alterations, they might be calculated to produce. As to the policy of the measure, he could not figure where it lay. He had been long acquainted with the mode in which regimental courts martial were conducted, and he knew that nothing could be more regular, fair, and satisfactory to all parties. Hardly an instance occurred of a soldier availing himself of the right of appeal which existed, and in any rare instances of that kind which had occurred, so far from the sentence of the regimental court martial being disapproved of, it was notorious that the punishment inflicted had been increased. Where, therefore, no complaint of any thing improper existed, he could not conceive why any new regulation should be introduced, which would have the effect of insinuating what could not be openly avowed. Again, supposing the policy of the alterations to be admitted, and that it was proper that the officers composing courts martial should be on oath, as well as the witnesses to be examined, he would wish to know, if there was no person, as in general courts martial, to supply the place of advocate or deputy advocate general, by whom the evidence on the trial was to be taken down, in what respect any benefit could be derived from the innovation? If no such officer were appointed, regimental courts martial must continue, as at present, without any record of their proceedings. In that case, it was difficult to figure what greater weight could be attached to the circumstance of the evidence being taken on oath. In the case of false swearing, no redress would lie as for perjury, for there would be no record on which to ground the accusation, and, of course, no conviction could follow; so that, instead of being benefited, soldiers would be injured by the new regulation. The evidence against them, without any additional awe being thrown on those who were to give it, would receive the stamp of greater authority and weight, and yet if they could prove perjury against the persons by whom such evidence was given, they had no means of obtaining redress.

Earl Camden declared his conviction, that no blame could be imputed to the mode in which regimental courts martial had been hitherto conducted. The alterations proposed, however, it had been thought would add a greater degree of solemnity to the proceedings, and could at the same time put

things in no worse a situation than they formerly stood. It was hardly to be supposed that a person who would *speak the truth, would willingly swear to a falsehood.*

The *Duke of Cumberland* regretted that he felt himself called on to differ, in the present instance, from his majesty's ministers, for whom collectively and individually he had the highest respect. For two reasons, however, which he should mention, among many others, and particularly those mentioned by the noble marquis, he objected to the additional clauses. He had heard nothing alleged against the present mode of conducting regimental courts martial. The adoption of the clauses now proposed would, however, he thought, be an implied reflection and condemnation of the existing practice. He also thought, that so far from being a measure of leniency, the new regulations would be found to produce severity; for, although where an officer was left to his discretion he might be inclined to extend his clemency, he would unquestionably find the case materially changed when he was called on his oath to act agreeably to the fixed letter of the law.

Lord Hawkebury, while he admitted that no complaint could possibly lie against regimental courts martial as at present established, and of course that there was no absolute necessity for the alterations introduced into the bill, thought, nevertheless, that the additional clauses would be productive of benefit, and ought not to be rejected merely because there was no absolute necessity for enacting them. In the very lowest court in the country, if he ought to apply that term to any court of justice, even where a small fine was to be inflicted, the witnesses by whom the offence was to be proved must of necessity be examined on oath, to give validity to their testimony. In cases of regimental courts martial, however, besides that the object itself was of importance, an additional reason why every requisite solemnity ought to be observed, naturally presented itself. It would occasionally happen that persons in the town where a regiment might happen to be stationed, would be the very witnesses whom it might be necessary to examine. It was not unknown that a prejudice against the military occasionally existed, and it would hardly, he presumed, be disputed, that, in such cases, to examine on oath was the surest and only effectual means of attaining the truth. He therefore, though he should not have thought there was an absolute necessity for introducing
the

the clauses, could not think, after they had been introduced into the bill, that they ought not to be supported, as being likely to produce beneficial effects.

The *Duke of Clarence* agreed entirely in the observations which had fallen from the noble marquis, and also in those which had been uttered by his near relation (the Duke of Cumberland), except the compliment paid by him to his majesty's ministers, in which he was sorry that he could not by any means concur. The alterations introduced into this act he conceived to be both unnecessary and impolitic. The noble secretary of state had confessed that they were unnecessary. The noble marquis had clearly shewn that they were impolitic. But being even unnecessary, he could not figure on what ground they were forced on the house, unaccompanied by the only circumstance which could at all give them fair scope for action, by which their utility or inutility might be tried—he meant a person to supply the place of advocate general or his deputy. This person, he submitted, might with propriety be the paymaster of the regiment.

Lord Mulgrave stated, that, in point of fact, the evidence on every regimental court martial was taken down in writing by the president of the court, and must indeed be so, as it had to be reported to the commanding officer in the same way as a general court martial must be reported to the king or to the commander in chief. This was the universal practice, unless in the case of a drum-head court, where both trial and sentence were to be summarily executed.

After some farther explanation between the Dukes of Clarence and Cumberland, and Lord Hawkesbury, the committee divided. For the clause,

Contents	-	22
Non-Contents	-	13

Majority in favour of the clause 9

The other clauses were then gone through, and the bill was reported.

HOUSE OF COMMONS.

FRIDAY, MARCH 15.

Mr. Johnson, from the chief secretary's office for Ireland, presented, pursuant to order, an account of the number and tonnage of vessels to and from the West-Indies, during last year; which was ordered to lie on the table.

4 E 2

Sir

Sir J. Stewart presented a petition from Cupar, in Fife, against the corn act of last session.

Colonel Bagwell brought in a bill to amend an act of the 35th of his majesty, for regulating elections in Ireland, so far as relates to freeholds; which was read a first time, and ordered to be printed.

Mr. Bernard gave notice, that on Monday next he would move for an inquiry into the tolls of the grand canal in Ireland.

WAR IN INDIA.

Mr. Francis—Before I proceed to the notice, which I propose to give this day, I beg leave to ask the noble lord on the other side a question for information, very fit to be given to the house, and materially connected with the subject which I mean to bring under their consideration. By the papers on the table it appears, that the war, now or lately carried on in India against Holcar, was declared by Lord Wellesley so long ago as the 16th of April 1804, and I presume must have been in his contemplation some time before that date. This we know indirectly through the government of Bombay. My question is, whether, at this day, the court of directors, or the select committee, have received any direct communication from Lord Wellesley of the origin and motives of this war?

Lord Castlereagh—My answer to the question put to me by the honourable gentleman is, that, at this day, no advices have been received directly from Lord Wellesley, concerning the origin and the motives of the war with Holcar.

Mr. Francis—The fact of itself deserves the attention of the house; since nothing can be more precise and peremptory than the injunction of the law, by which the governor general and council are ordered, “in all cases, where hostilities shall be commenced,” to communicate the same to the directors, “by the most expeditious means they can devise, with a full state of the information and intelligence, upon which they shall have commenced such hostilities, and their motives and reasons for the same, at large.” I now, Sir, beg leave to give notice, that it is my intention, with permission of the house, to bring under their consideration a general view of the state of the British dominions in India, and a motion thereupon, as early in the week after next as may stand with the convenience of the house. Sir, it would be desirable for any man, who wished to bring into view a question

question of great extent and consequence, and for me more than any other, that his audience should be in some degree possessed of the general nature of the subject. I cannot hope, though I very much desire it, that many gentlemen will have taken the trouble to examine attentively the whole of these voluminous papers relative to the late and present war with the Mahrattas. To save them some trouble, and perhaps to invite them to read more, and to enter farther into the inquiry, there are a few principal documents, which, I think, will give a general insight into the subject, and engage them to proceed, and which I therefore beg leave to recommend to their attention: the instructions to Colonel Collins; the instructions to Colonel Close; the treaty of Bassein, from which, as it appears to me, the war may be dated; and finally, the map of India annexed to the papers.

Lord Castlereagh—The notice given by the hon. gentleman is so general and undefined, that I am at a loss to conjecture what the objects are which he has in view, and to which I should of course wish to turn my own thoughts. I therefore hope and request, that the hon. gentleman will state more distinctly the points to which his intended motion is directed, or at least the particular subjects which he means to discuss.

Mr. Francis made no reply,

The Chancellor of the Exchequer presented an account of the civil list revenue, which was ordered to lie on the table.

SALT TAX.

Mr. Fox rose to state, that he had received a letter from Rotherham, in Yorkshire, complaining of the awkward predicament in which certain retail dealers in salt were placed, from having raised the price of that article previous to the term at which the additional duty begins its operation. They had since learned, that there was a severe penalty attached to this conduct, but they had been led to it from an excise officer coming to take an account of their stock in hand, that it might be subjected to the new duty, and from the example of the city of London, where the price of salt had been raised by the authority of the aldermen. He thought it hard that, in these circumstances, the complainants should suffer, and was anxious that some remedy might be provided to relieve them from the penalty.

The Chancellor of the Exchequer said, that as the additional

tional duty had not yet begun to operate, no officer had a right to take an account of the stock in hand, for the purpose of levying the duty. There certainly was a penalty as alluded to, which, however willing he might be, he did not see the means of remedying.

The subject here dropped without any measure being adopted.

IRISH BUDGET.

The question being put, on the motion of Mr. Foster, that the resolutions of the committee of ways and means be read a second time,

Mr. J. Fitzgerald thought he should be deficient in the duty he owed to his country if he did not oppose to the utmost those resolutions now proposed to be read. He argued against the necessity of the loan, first, because the actual revenue was really more than four millions, at which the right hon. gentleman (Mr. Foster) had calculated it, that being the estimate made of it last year, and certain regulations having been since introduced, which were said at that time, and admitted by the right hon. gentleman, to be calculated to produce a very considerable additional revenue; secondly, because the surplus of the loan of the last year ought to go to the supply of this year, and because the loan ought not to be made till the joint charge of England and Ireland be made out, as it was not for the interest of Ireland, he conceived, to have money lying unemployed in her exchequer; thirdly, because the large balances in the hands of the collectors ought to be made good. He asked the right hon. gentleman if any remission of those sums, or any composition with the collectors, had ever taken place; but received no answer to his question. He insisted on the propriety of adopting some method of collecting those debts, and pledged himself every year to oppose the raising of any new supply by loans or taxes till those arrears were paid into the exchequer. The hon. member next opposed the new taxes *in toto*, on the principle that, even if a loan were really necessary, the sums he had already mentioned might be erected into a fund to pay the interest of it, and by this means render unnecessary any additional burdens on the people, the weight of which they were so very unable to bear.

Mr. Dawson entered into the merits of the several taxes proposed, some of which he approved, but condemned others

others to be imposed. He reprobated the tax on timber, as in many parts of the country it was a scarce article, and because it would operate as a severe check on the rising plantations, inducing proprietors to cut down their young wood before it was matured. That it would encourage people to plant young wood, reminded him of a story he had heard of an old man, who, being advised to drink a great deal of cyder for his health, began immediately to plant an orchard (*a laugh*). The duty on horses used for pleasure he was inclined to approve, but was afraid it would soon be extended to other descriptions of horses, as had been done in this country, and in that case he would reprobate it in the strongest terms. He paid some high compliments at the same time to the right hon. gentleman at the head of the Irish exchequer, for his activity and laudable exertions in that department. He approved also of the dog tax, on the principle, that both those used for the sports of the field, and those kept as domestics, were by far too numerous; and gave notice, that on some future day he would move, that the proper officer lay before the house a list of the dogs kept for sport, for the purpose of adopting some farther regulation on that subject. The additional duty on servants kept by bachelors met with his warmest concurrence. He disapproved of the duty on paper; did not refuse his assent to the duty on stamps; but instead of any additional duty on post letters, thought it would be better to adopt measures for the proper collection of those already imposed, which, under the present system, were collected at no less an expence than one hundred and sixteen per cent.; so that he should not wonder if application were made to parliament for a compensation. The house duty he considered as a mere substitution for the hearth duty, which was so unpopular, that it was abolished by the Irish parliament. The additional duty on windows, notwithstanding that the lowest assessed number was made seven, instead of five, he was of opinion was too much, as it was an addition of twenty-five per cent. In any duty on distilleries, that went to check the manufacture of that pernicious spirit, that not only poisoned so many of the people in Ireland, but was smuggled here also in great quantities to poison the people of this country, the hon. member expressed his readiness to concur, but lamented that the duties already imposed were so ill collected, and the practice of smuggling so prevalent, that no fair proportion of them came into the exchequer. So much was this the case, that he was convinced

convinced that if those duties were properly collected, his right hon. friend would have no occasion to come to them for any additional means of raising the necessary supply.

Sir John Newport concurred in almost every respect with his hon. friend who had just sat down. The subject, he thought, was of so much importance that time ought to be given that they might learn the opinions of those that were particularly interested. The hon. baronet went minutely into the minor articles of the new taxes, such as coffee, flax, tar, &c. and complained particularly that the additional duty was too much. He especially reprobated the duty on paper, an article of which the manufacture in that part of the united kingdom was very circumscribed, and which by this measure he was apprehensive would be entirely ruined. The last additional tax on slaves, he contended, had diminished the revenue arising from that article considerably, which was a proof that it operated as a check to several species of exportation, and was, therefore, a subject that required the utmost caution. He argued particularly against the tax on timber, the scarcity of wood being such, he said, that in most parts of the country there was not even enough for agricultural purposes. The hon. baronet concluded by deprecating the irregularities and gross abuses that prevailed in respect to the post office, and which required immediate redress.

Mr. Hawthorne insisted on the necessity of imposing new taxes to answer the expences of the country.

Mr. Foster observed, that, in his former estimate, he had stated what was the whole amount of the revenue, and when he had taken the whole into his calculation, it was impossible that any surplus could remain. He lamented the deficiency of the revenue collectors, and had endeavoured as much as possible to enforce the more punctual payment of the public money; however, that could not be completely accomplished on the sudden. The tax upon timber was not more than 4s. 2d. on each ton weight, which was worth about 6l. so that the proportion was so very small that it could not materially injure the country. As to the article of the postage of letters, it was so badly managed, and the mail was so insecure, that it was expedient that for the good of the public the mode of conveyance should be altered. As an instance of the careless manner in which letters or dispatches are carried in Ireland, the right hon. member related a circumstance that took place a little time back in the county

county of Waterford. A boy was entrusted to carry an express to Dublin on horseback, for want of any better conveyance. He stopped by the way to play ball, leaving his bags upon the ground in the mean time. A gentleman seeing the bags lying down and the horse idle, said, "You young dog you, why do you delay, when you have the mail to carry?"—"No, sir, (answered the boy) it is *only* an express." The consideration of such a circumstance as this, where the mails, or perhaps more important papers, were obliged to be entrusted to such ignorant hands, together with a recollection of the many robberies of the mails which have been committed in that country, would, he had no doubt, make the people of that country well satisfied that they would have the proposed security at so low a price. As to the tax upon dogs, the poor man would be exempted from payment for one dog; and where gentlemen had a great number of them, for 30l. a pack; so that it would not fall oppressively on any class of people.

Here a farther conversation took place, but the resolution was finally agreed to without a division.

Upon the clause for the re-enactment of the six per cent. duty upon goods imported by retail dealers, a discussion took place.

Mr. May stated the inequality of the operation of such a tax, as the poor man, who was under the necessity of retailing his goods for the want of a sufficient capital to be able to subsist entirely upon his import trade, would be liable to pay six per cent. more than his wealthy neighbour, who was making a fortune by importation only.

Mr. Fox, most of the Irish members present, and Sir Charles Price, *Mr. Prinsep*, and other commercial men, spoke nearly to the same effect.

Mr. Foster observed that in the reign of King Charles II. it was found that as the wholesale traders paid the full amount of the duty on their goods insured to government, and as the retail dealers were not capable of doing so, but gave a deal of trouble to the officers of the revenue in keeping an account of the quantity of goods which they imported, a discount was therefore made to the wholesale trader for his encouragement. He could not possibly think of withdrawing this tax at the same time that he imposed an additional duty upon timber, which had been so seriously objected to.

Mr. Corry declared that he was the author of the act for

the repeal of this duty, about three sessions ago. He did not wish to shew any thing like an inclination generally to oppose the plans of the right hon. gentleman, but it was a regard to no more than consistency in his own conduct, that he should oppose the renewal of a tax for the repeal of which he had formerly voted. After giving a minute description of the circumstances attending the origin of the tax, the alterations made in the beginning of Mr. Pitt's administration, and the subsequent repeal while the right hon. member was himself in office, he observed, that it was imposing a tax upon a man's industry and his poverty; and asked the right hon. gentleman opposite to him (the chancellor of the exchequer), whether ever such a tax had been adopted in England? He particularly objected to the renewal of the tax at the present moment, when the right hon. gentleman (Mr. Foster) had, in his own estimate, stated the surplus of more than eighty thousand pounds, which was a greater sum than this tax could possibly produce for the service of the year.

The question being at length put, the house divided :

For the resolution	-	107
Against it	-	44

Majority - 63

When strangers were re-admitted after the division,

Sir J. Newport was intimating his intention at a future period to take the sense of the house upon the vote for an additional duty on timber imported into Ireland.

The resolutions were then read and agreed to, and bills ordered accordingly.

The Chancellor of the Exchequer said that, for a reason which would be obvious, he did not think it fit to move that his motion, of the postponement of which his hon. friend (Mr. Huskisson) had given notice, should stand for Monday, and thinking that there would not be any thing very important before the house on Tuesday, he should move that the order be made for that day. Ordered.

The legacy bill was committed, and Mr. Fox intimated that he had some observations to make upon the subject of the duty on legacies to children. This, however, he was prevailed on to withhold until the bringing up of the report.

The house having resumed, the report was ordered to be received on Tuesday.

The marine mutiny bill passed through a committee, and was ordered to be reported the next day.

Mr.

Mr. Wilberforce moved, that there be laid before the house an account of the number of ships and their tonnage, that have sailed from Africa to the British West India colonies, from the 5th of January 1802, to the latest period to which the same can be made out, together with the number of slaves which they had on board, and the amount of those which were re-exported from the West India islands. Ordered.

Also an account of the number of ships that have cleared out from Great Britain for the last ten years, together with their tonnage and the number of men employed on board such ships. Ordered.

The house went into a committee of supply, in which the different sums advanced by government, and not yet made good by parliament, were voted.

The exchequer bills bill, the Irish spirit warehouse bill, and the Irish sugar drawback bill, were read a first time, and ordered to be read a second time the next day.

The other orders of the day were then postponed, and the house adjourned.

HOUSE OF LORDS.

SATURDAY, MARCH 16.

Their lordships met and passed the following bills: the property duty bill, the salt duty bill, and the mutiny bill.—Adjourned.

HOUSE OF COMMONS.

SATURDAY, MARCH 16.

Mr. Alexander brought up the report of the committee of supply, on the grants from the civil list to be made good by parliament. The resolutions were agreed to.

A message from the lords signified their lordships assent to the property tax bill, salt tax bill, and mutiny bill.

The Irish import duty bill, and the Irish excise duty bill, were brought in by Mr. Foster. The Irish stamp duty bill, the Irish postage bill, and the Irish malt and spirit duty bill, were brought in by Mr. Alexander. All these bills were read a first time, and ordered to be read a second time on Monday.

Mr. Alexander brought up the report of the committee on the marine mutiny bill, which was ordered to be read a third time on Monday.

Mr. Dickinson presented an account of the rates of exchange at which bills were drawn by Admiral Blanket and Sir Home Popham, on account of the squadrons under their command in the Red Sea.

The house, in a committee on expiring laws, agreed to continue the act enabling the lord lieutenant of Ireland to prohibit the exportation of corn and other provisions.

The house, in a committee on the sugar drawback bill, agreed to allow a further drawback on the exportation of that article to Ireland.

The exchequer bills bill was read a second time, and ordered to be committed on Monday.—Adjourned.

HOUSE OF LORDS.

MONDAY, MARCH 18.

Counsel were heard in the appeal from the court of session in Scotland, the Earl of Kinnoul and others against Mr. Ramsay Maule and others.—The farther consideration was postponed till Wednesday.

The royal assent was given by commission to the property tax, salt duty, and mutiny bills, and to several private bills. The commissioners were the Lords Chancellor, Ellenborough and Walsingham.

The marine mutiny and some private bills were brought from the commons, and read a first time.

Lord Melville laid on the table an account of the number of artificers dismissed from his majesty's docks, in consequence of their accession to the mutiny in the year 1801; and also an account of the names of such as had been since readmitted, with the dates of the orders for their readmission.

Earl Darnley moved, that an humble address be presented to his majesty, praying that he would be graciously pleased to order to be laid before the house, copies of any letters or representations sent by the commanders of the *Indostan* and *Hyena* to the board of admiralty, touching the fitness of those ships for his majesty's service.—Ordered.

Lord Melville stated that he had understood the late inquiry of the noble earl to extend principally to two points, namely, that the late admiralty board had a sufficient number of ships of small burden in commission at the time of their retiring from office, and, of course, that the present admiralty board had no occasion to engage the ships they had since brought in to the service: and, secondly, that the present admiralty board were

were not warranted in building in the merchants' yards, even in time of war, it being, as the noble earl maintained, a fact, that his majesty's docks presented facilities for building ten ships of the line annually.—These being the principal objects of the noble earl's inquiry, he had thought it necessary, for the better enabling the house to form a judgment on a matter of such importance, to move for certain documents, which he thought would more clearly illustrate the subject. His lordship then submitted a string of motions, about thirty in number, relative to the state of the navy and of the dock yards, with the number of ships in commission at the present period, at the time of the late admiralty retiring, and at various periods during the last war, specifying what part of those ships had been built in merchants' yards, with the facilities for building there, and in his majesty's docks.—All his motions were agreed to.

Earl Darnley explained that in stating that ten ships of the line might be built yearly in his majesty's docks, he had not alluded to the docks as they were at present managed, but to that state of improvement to which they might be brought by adopting the system followed in the merchants' yards.

The Duke of Clarence intimated his intention to move for the production of further documents the next day, for which it was understood their lordships were summoned.

Mr. Parnell, from the Irish treasury, presented an account of the sums remitted from England to Ireland, during the year ending the 1st of last month.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 18.

In compliance with a message from the house of lords the speaker attended that house, and on his return informed the house of commons that the royal assent had been given by commission to the horse duty bill, the salt duty bill, and the property duty bill.

Mr. Baker brought up the report of the committee on Bowyer's lottery bill, which was agreed to, and the bill ordered to be engrossed.

Mr. Sturges Bourne postponed the second reading of the land tax commissioners name bill to that day fortnight.

On the motion of Mr. W. Dickinson, an amendment was inserted in the marine mutiny bill, empowering provisional courts

courts martial to administer oaths. The bill was then read a third time and passed.

Mr. Johnson, from the office of chief secretary of Ireland, presented returns of compensations for boroughs, &c. which were ordered to be printed.

Mr. Francis gave notice of his motion relative to India for Monday next, but on the suggestion of Lord Castlereagh, deferred it till Monday se'nnight.

Mr. Rose presented minutes of the privy council with respect to licences for exporting goods to France and Spain.

Mr. Foster moved the second reading of the Irish drawback bill. After a few words from Mr. Dawson, Mr. Ker, and Mr. Corry, the bill was read a second time, and ordered to be committed the next day; as were likewise the Irish excise duty bill, the Irish postage duty bill, and the Irish spirit duty bill.

On the motion of Mr. Steele, a new writ was ordered for Bath in the room of Lord John Thynne, who had rendered his election void, not having duly qualified himself by taking the oaths, &c.

Mr. Steele obtained leave to bring in a bill to indemnify Lord John Thynne for having sat and voted in the house, without having previously qualified himself. The bill was accordingly brought in, read a first time, and ordered to be read a second time the next day.

The Chancellor of the Exchequer moved, that a committee be appointed to examine and report the joint charges of the united kingdom of Great Britain and Ireland, from the 1st of January 1801, to the 1st of January 1805; what proportion belonged to each country respectively; what are the balances now due; and what would be the best mode in future of ascertaining such balances at the expiration of each year. The motion was agreed to, and a committee appointed for those purposes.

On the motion of Mr. Rose, it was ordered that the house should the next day resolve itself into committees to consider of granting to foreign ships belonging to states in amity with his majesty the privileges of prize-ships; on the importation of American goods in neutral bottoms, &c.

The Chancellor of the Exchequer gave notice, that in the committee of ways and means on Friday next, he should move for certain taxes, to supply the place of the rejected agricultural horse tax. He likewise gave notice, that he should move for rendering permanent the present temporary tax on wine.

Mr.

Mr. Alexander brought up the reports of the committees on the Irish sugar drawback, and on the expiring laws, which were agreed to, and bills ordered accordingly.

Mr. Alexander brought up the report of the committee on the Irish drawback bill, which was agreed to, and the bill ordered to be read a third time the next day.

Mr. Huskisson obtained leave to bring in a bill to repeal that part of an act of last session, which prohibited the issuing of promissory notes on demand, under the value of 5l.

The committees of supply and ways and means were postponed to Wednesday.

The new exchequer bills bill went through a committee, and the report was ordered to be received the next day.—Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 19.

In a committee of privileges Mr. Adam was heard in support of claims by their royal highnesses the Dukes of Gloucester, York, Clarence, Kent, and Cumberland, to the privilege of voting at the election of Irish peers.

Earl Limerick could not help noticing two expressions which had fallen from the learned counsel in the course of his speech, and on which he seemed to build in support of his argument, but against which the noble earl begged to enter his most solemn protest. The learned counsel had represented the relation of Ireland to his present majesty as that of a conquered country; and, in another part, he had stated it to be a dependent state. In neither of those allegations could the noble earl concur, nor could he sit patiently and hear them insinuated.—The country to which he had the honour to belong, had never submitted to the idea of confessing itself conquered; and as to dependence, they might be so far dependent as being the weaker part of the country, but they had always asserted their independence, and it had been declared and ratified by an act of the legislature; neither was it altogether prudent to allow it to be supposed, that the act of union had been effected while Ireland was in a state of dependence. As to the point before the house he should feel gratified, if it could be done consistently with the independence and forms of the constitution of Ireland, in seeing the names of the illustrious claimants on the roll to which his name had the honour to belong.

Mr.

Mr. Adam was then allowed time to produce office copies from the records of the Irish house of lords, of grants of Irish titles, which had passed the great seal of England, similar to those on which the claims of the royal dukes were founded.

The *Earl of Suffolk* begged to ask the noble secretary of state (Lord Hawkesbury), as he did not see the first lord of the admiralty in his place, whether the noble secretary could inform him if it was the intention of the noble viscount at the head of the admiralty to specify, in the returns of shipping which he had the preceding day moved for, the rate per ton at which each particular class had been furnished, as it would not otherwise be in the power of the house to form any idea on the subject, or to judge between the two statements of 21*l.* per ton, at which they had been informed ships might be built in the king's yards, and the comparatively enormous charge of 36*l.* per ton, at which it had also been stated contracts had been entered into by the present admiralty for building in merchants' yards?

Lord Hawkesbury declared his inability to answer the noble earl; but expressed his conviction of the willingness of the noble viscount at the head of the admiralty to give every satisfaction on the subject which the noble earl could require.

CATHOLIC PETITION.

Lord Grenville gave notice that he should, on Monday next, present a petition to their lordships from a certain description of persons in one part of the united kingdom. In doing so, on that day he should abstain from every observation which might be at all calculated to provoke a discussion on the subject of the petition; but should only move that it be laid on the table, and that a day at a considerably greater distance be fixed for the consideration of a business of such moment. He had merely thought it his duty, at present, to inform the house of his intention to present the petition.

JUDGE FOX.

Lord Auckland rose to move for the appointment of a committee to search into precedents of any complaints brought forward against an individual, by any individual peer, on his own statement, founded on information furnished to him by others; and how far it had been regarded as consonant with the law and constitution of parliament to entertain such complaints: secondly, for any precedents of such complaints having

ing been preferred against a judge.—In considering the propriety of appointing this committee, the noble lord took a comprehensive view of the subject; examining the law of the case at the passing of the act of the 1st of Henry IV. chap. 14, previous to which time, great inconvenience had been felt from the practice of allowing accusations to originate in the house of lords, and by which act it was provided that no appeal (accusation) should henceforward originate in that house. His lordship then proceeded to quote a number of commentators on that act, all of whom agreed in the interpretation he put on it. If then this was the law of the land as to every other person in the country, he called on the house to consider if the judges alone ought to be presumed to stand in a different situation. The act of settlement, as it was called, was an act not imposing restrictions, but conferring immunities and exemptions on the judges of the land. He would wish, however, that any person of common understanding on such matters, should peruse that act, and then say, if, with the act of the first of Henry IV. before their eyes, and seeing that the people in general, from the highest to the lowest, were no longer to be subject to accusations originating in that house, they could conceive it to be in the contemplation of the legislature, that the judges of the land should alone be subjected to it, not by a direct imposition, but by a clause introduced by a side wind. If such were the real meaning of the statute of William III. he could not help thinking that instead of conferring privileges on the judges of the country, it deprived them of one of the most valuable privileges of common subjects, as it made them alone liable to what had from former practice and experience been deemed a gross hardship, and teeming with oppression and injustice.

The *Lord Chancellor* combated the arguments of the noble lord who had proposed the motions. A committee to inquire into precedents which had occurred since the act of settlement was passed would, he believed, be unnecessary, for none such were to be found; and a committee to inquire into precedents as to what was the law and had been the practice in general criminal charges, from the passing of the act of the first of Henry IV. down to the passing of the act of William III. would be equally unavailing, for they could not apply to the present case. The general law, that no criminal accusation on a complaint of an individual peer could originate in that house, was well known, and was universally acknowledged. But how could that apply to the present case, which was regulated

gulated by a special act of parliament, providing for this case alone, and which, if the proceedings of the house in the present instance were not correct, was a dead letter? It was to be remarked that judges by this act, for the first time, were made independent of the crown. It was not, however, to be supposed that they were to be exempt from every species of control, and accordingly they are by the same act by which a particular privilege is conferred burdened with another, but less precarious tenure, on which their offices are to depend, namely, they are made subject to removal on an address from both houses of parliament. The present, it was to be observed, was not a case of a criminal complaint at common law, but an application founded on this particular act, by which alone the conduct of judges was cognizable.

Lord Grenville declared, that his doubts on the subject of the propriety of the proceedings of the house, in the present business, increased the more he reflected on it. He begged, therefore, that the noble and learned lord would allow other noble lords, less learned than himself, to have some further light on the subject, by having the opinion of the twelve judges on the propriety of their proceedings. He thought this the more indispensable, as the noble and learned lord had confessed that the step adopted by the house in this instance was contrary to the established law in every other case; and he observed too, from looking into the journals, that the accusation now before the house was not distinguished by the peculiar feature by which the noble and learned lord had stated that it might be known, namely, a motion of some noble peer for an address to his majesty, as prescribed by the act; but that it partook of every quality of that species of accusation prohibited by the act of Henry IV. being simply a complaint by an individual peer.

Lord Hawkesbury supported what had fallen from the lord chancellor, and begged it to be remembered that if judges were by this act made subject to be dismissed on an address by both houses of parliament, that was only a condition accompanying the rendering their offices *freeholds*, so that it could never be conceived a hardship, but merely the condition of conferring on them a privilege.

Earl Spencer would prefer the mode of impeachment to any that had been suggested upon this subject; but yet he would support the proposition for a committee, because he thought every degree of deliberation should be taken, and every aid sought for that could be derived from precedents, in order
fully

fully to prepare the house for coming to judgment upon a question of so much importance. It appeared very strange to him that any noble lord should maintain, that there was no charge of a criminal nature alleged against the learned judge, and that the object was not criminal punishment. But he would call to the recollection of those noble lords, that the learned judge was accused of using seditious language on the bench, and that the object of the proceedings taken against him was, to procure his removal from the bench.

Lord Mulgrave spoke against the motion, as tending to create delay, and promising no good effect; for it did not seem possible to find out any precedents at all analogous to the case under consideration. The result of the greater part of the arguments used by the noble lords who supported the motion, was in his opinion virtually to do away the right of the house to address his majesty under any circumstances for the removal of a judge. Those arguments, therefore, he could not countenance. He maintained that it was competent to any noble lord to move at once for an address to his majesty for the removal of a judge, and to bring evidence to the bar to sustain the charges upon which he grounded his motion. But there had been no such precipitancy upon this occasion. The course of proceeding adopted was perfectly fair, deliberate, and dignified, and therefore he should oppose any deviation from it.

Lord Carleton contended that, as the several statutes alluded to were silent as to the mode of proceeding proper to be adopted in a case of this nature, it was highly necessary to search for such precedents as were applicable. From the inquiry proposed by the motion, there was every reason to expect much elucidation, and important materials to guide the judgment of the house; and for that reason he felt it his duty to support it.

Lord Ellenborough argued in favour of the motion. Upon a matter of so much moment as the security of a judge's tenure, for which the law was wisely so anxious, and still more for the preservation of a judge's character, which was so essential to the due and dignified administration of justice, he deprecated any summary proceedings. For himself he confessed that he thought the ordinary mode of impeachment was that which ought to have been followed in this case. He should like much to have the opinion of the judges on this novel question. The charges against the learned judge were of a criminal nature, and he did not think that house consti-

tutionally competent to try them in the way which had been heretofore followed. He acquitted the noble lord by whom these charges were brought forward, of any other lapse than that which arose from his having referred to the judgment of others, by whom he was misled. The proposition before the house had his concurrence, because it held out the prospect of arriving at a more eligible course of proceeding in this business than that which had been heretofore followed.

After some explanation between the Lord Chancellor and Lord Ellenborough, in the course of which the former stated, that he would not have it understood, from the vote he meant to give that night, that it was his intention to resist any appeal to the opinion of the judges upon this important case,

Lord Auckland rose to reply. The noble lord observed on the cruelty of bringing the learned judge, whose case was under consideration, with his witnesses, from above 400 miles distance, to answer such serious charges as were alleged against him, before the house had fully deliberated and decided upon the proper mode of proceeding to investigate those charges. That mode was not, he maintained, as yet discovered; and he very much apprehended that should the house proceed farther in the course recommended by the opponents of his motion, their lordships would find themselves in the awkward and degrading dilemma of being obliged to retrace their steps.

The *Lord Chancellor*, in explanation, stated, that he did not mean to insinuate that the object of this motion was to create delay, or to impede the progress of the investigation to which it referred; but he would beg noble lords to be assured, that whatever impediments might be thrown in the way, this business should not end until complete justice was done between the country and the individual concerned.

Lord Auckland observed, that if the noble lord who had just sat down meant to say that the object of his motion was merely to create delay, such language was not parliamentary, and if he did not mean to say so, his observation was altogether unnecessary. In vindication of his motives for the proposition he submitted to the house, he should only mention that he had no kind of acquaintance whatever with the learned person who was the object of this investigation, and that he was actuated solely by a sense of duty, and a desire to do justice.

The question being put, a division was called for, and the numbers were, for the motion,

Contents

Contents	-	-	-	17
Non-contents	-	-	-	29
Majority	-	-	-	12

On our re-admission, we found Lord Auckland on his legs giving notice of a motion upon the same subject for Monday next, for which day the lords were to be summoned,

Ordered, on the motion of Lord Auckland, that the order for the attendance of witnesses, &c. on the further investigation of Judge Fox's case, should be postponed till the 6th of May next.

The Duke of Clarence gave notice of his intention to move, on Tuesday next, for the production of farther papers relative to the report of the commissioners of naval inquiry; and the lords were, on the motion of his royal highness, ordered to be summoned for that day.

Mr. T. Steele brought up from the commons Lord John Thynne's indemnity bill, which was read a first time, and ordered to be read a second time next day.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 19.

The hon. Cavendish Bradshaw took the oaths and his seat as member for the borough of Honiton, in Devonshire.

It was moved and ordered that the accounts which had been presented to the house of the number of ships which have entered the ports of Ireland from the British West India islands, with the amount of their tonnage, be printed for the perusal of the members of the house.

Sir John William Anderson brought in a bill to amend the act of the 37th of the king, which relates to the regulation of the assize of bread, and the profits of bakers within the bills of mortality.—Read a first, and ordered to be read a second time.

THE PRINTING BUSINESS.

Sir John William Anderson presented a petition from a number of master printers, praying for leave to present a petition to the house for the better regulation of their trade in future. The petition stated that in the year 1800, on the ground of the then high prices of the necessaries of life, an advance was given both to the compositors and pressmen, the two classes of workmen employed in their business. The pressmen,

pressmen, however, had lately declared themselves to be not satisfied with the arrangement that had been then made, although there were no such grounds now in existence to support their pretensions as those which had justified the request made in 1800, when the scale of prices was last fixed. Almost all the pressmen in London had voluntarily left their work, in consequence of their demand being now resisted, but which, if acceded to, would greatly tend to discourage, or materially injure, the export trade. In consequence of these men having suddenly quitted their work, the public business was considerably delayed, the publication of periodical literary works was for a time suspended, and the revenue was likely to be materially injured. Upon these grounds the petitioners prayed the house to interpose its authority towards their immediate relief, and for the prevention of the recurrence of similar inconveniences in future. The measure which they humbly submitted to the house was, that they might be enabled to take apprentices of riper years than those who are in general bound to working businesses, and that they might be authorized to have them bound for a shorter duration in proportion; and finally, that a plan may be adopted for the future regulation of the trade.

The prayer of the petition was granted. The other petition, praying for leave to have a bill brought in, was then brought up and ordered to be referred to a committee.

The Irish election bill was, on the motion of Mr. Bagwell, ordered to be read a second time on Monday next.

The sugar drawback bill was read a third time and passed.

The exchequer bills bill was reported; to be read a third time the next day; also the Irish spirit warehousing bill.

Mr. Long, at the bar, acquainted the house that his majesty had been waited on with the address for a copy of the commission appointing John Duke of Athol governor of the Isle of Man, and had been graciously pleased to give directions accordingly. Mr. Long then presented a copy of the commission, which was ordered to lie on the table.

On the motion of Mr. Steele, Lord John Thynne's indemnity bill was read a second time; passed a committee, and ordered to be engrossed. It was afterwards read a third time and passed.

Mr. Foster having moved the order of the day for a committee on the Irish excise duties bill,

Sir John Newport expressed a wish that the right hon. the Chancellor

Chancellor of the Exchequer should defer his important motion, relative to the militia, to some future day, in order to allow gentlemen an opportunity to discuss the Irish taxes. The bills had been brought in on Saturday, a day on which the house seldom sat, and had since been read a second time. He had himself given early notice of his intention to take the sense of the house upon some of these taxes, but he had been told that the committee was the proper stage for that object to be prosecuted. He hoped, therefore, that the committee would be allowed time to enter into the discussion.

The *Speaker* informed the hon. member, that, whenever any motions were noticed for a particular day, the practice of the house had been to defer the consideration of any orders that might lead to discussion, in order to give gentlemen an opportunity to bring forward their motions.

Mr. Foster withdrew his motion.

The *Chancellor of the Exchequer* then stated, that when he had fixed his notice for that day, it had been in the contemplation of the motion of an hon. member, (Mr. Creevey) whom he did not then see in his place, having precedence of it. Circumstances, however, rendered it desirable for him to postpone his motion to Thursday next. Besides, he thought it important not to impede the progress of certain bills then on the table, particularly the additional legacy duty bill.

CATHOLIC PETITION.

Mr. Fox gave notice, that on Monday next he should present to the house the catholic petition.

MR. FORDYCE.

Mr. Creevey rose to submit his motion to the house, relative to the arrears due from Mr. Fordyce. It appeared from the reports on the table, that that gentleman was in debt to the public to a considerable amount. The object of his inquiry therefore, was to ascertain whether the property in that gentleman's possession was a security to the public for the final payment of his debt, whether any steps had been taken by the lords of the treasury for the recovery of that debt, what sums, if any, had been paid, and what was the reason of the delay in adopting steps to enforce payment. The house would recollect, that in the year 1780, a committee had been appointed to inquire into the public accounts,

counts, and in their first report, Mr. Fordyce, as receiver-general of the land tax in Scotland, was stated to be a defaulter to the amount of 64,000*l.* In the appendix to that report, there appeared a statement on the part of Mr. Fordyce, of his having undertaken, in consequence of the indulgence of the lords of the treasury, to pay 30,000*l.* in the following May, 10,000*l.* more before the 20th of the following month, and the remaining 24,000*l.* by instalments of 5,000*l.* per year. The next mention that appeared of him was in the report of 1782, when he appeared to be in arrear 90,000*l.* and notwithstanding the amount of his debt to the public, he had been still permitted to hold his place as receiver general of the land tax: and here it was necessary to call the attention of the house to the extraordinary statement that had been made by Mr. Fordyce to the commissioners in 1782, that all his property had been conveyed to trustees for the treasury, to cover his default, and that he had been suffered to retain his place, subject, however, to the directions of the lords of the treasury, and of the lord advocate of Scotland. The experience of twenty years had proved, that neither were to be relied on. Since that period, only 8000*l.* had been paid in February 1800. A sum of 80,000*l.* remained due, and no payment had been made, no steps taken by the treasury, though pressed thereto by the committee in 1802, and the committee of finance in 1797. He had heard that Mr. Fordyce possessed a large estate, which afforded him a qualification for a seat in that house, which seat he had lost, by having been proved too lavish of his money at the election. Why had not the lords of the treasury applied the rents of this estate to pay up his arrears? He would be as backward as any man to promote persecution, but there were limits to clemency, and it should be recollected, that this money had been taken out of the pockets of the subject, particularly when they were laying taxes upon the most necessary articles of their subsistence. Besides, Mr. Fordyce had other means of paying; he had a place of emolument. No blame was to be imputed to Mr. Fordyce in this respect, but to the ministers who had forced him into the criticism of the house. They ought to have kept him out of any place of responsibility connected with the revenue, as the noble person had done who had removed him from office; yet, sensible of his having been a defaulter from misfortune, had promised him a place, but unconnected with the revenue. What would that

that noble person think now, if he saw that gentleman employed in a situation of high responsibility for managing the civil department of the navy, if he heard the present Chancellor of the Exchequer represent him as the fittest person for that office? The hon. member then stated, that there was an accumulation of interest for five years, amounting to twenty thousand pounds, which he adverted to because no notice had been taken of it by the lords of the treasury. As to the impropriety of employing this gentleman, though he had at first intended to submit a resolution to the house on that head, he was disposed to wave it for the present. The hon. gentleman next adverted to the beneficial labours and exertions of the commissioners of naval inquiry, whose suggestions, if followed up by parliamentary measures, had been represented by a gallant admiral (Admiral Markham) as likely to save one third of the expence of the navy. He charged a more than dubious hostility to the parliamentary board on ministers, and an intention to transmit its functions to the royal commission, which was not subject to the control of parliament; and concluded by moving, that a committee be appointed to examine and inquire into the property of Mr. Fordyce, whether it was a security to the public for his debt; and for a variety of other inquiries relating to the steps that had been taken by the lords of the treasury, the sums that had been paid, and the present amount of the debt.

The *Chancellor of the Exchequer* wished to call the attention of the house to the nature of this transaction. The hon. member had changed the object which he had first set out with, and he understood him to consider the situation of Mr. Fordyce as arising out of misfortune. But he could state that it had not been the opinion of the actual government which had removed him from office that he was unworthy to be trusted, though they had declined employing him in a situation connected with the revenue. He held no such situation at present. He had held a very laborious office in a commission to inquire concerning the lands of the crown, appointed at the instance of that house; his name had been subscribed to reports made to the house on that subject, and parliamentary measures had been grounded on such reports. He then held an executive office for carrying these measures into effect; and had produced as great a practical reform as had ever been effected in any department. The revenues of crown lands, which then had been reduced to six

thousand pounds, had, by his management, been raised since to forty thousand pounds, which would increase in the present year, and in the course of a few years amount to some hundred thousands. This he stated to shew, that Mr. Fordyce was not a person unworthy to be trusted, and that his being in arrear had arisen from misfortune only, as well as that the public had enjoyed the benefit of his talents and services. His misfortune had arisen from the failure in three successive instances, of his agents, one of whom had not been of his selection, but recommended by the late Lord Rockingham, as collector-general, and therefore, in fairness, he ought not to be accountable for the fourteen thousand pounds which now remained unsatisfied of his default. Another failure had arisen from the bankruptcy of a house in which Mr. Fordyce had vested certain sums of money, arising from the sale of forfeited estates in Scotland, which, under the act of 1770, he was made the medium for conveying to the treasury. By this failure, which happened a short time before he was removed from his office, though it did not add considerably to his official arrears, he lost a sum of forty thousand pounds. Under these circumstances when addressing so enlightened an assembly, and as the origin of this transaction was historical, he trusted that the question would be considered without any view to party object, though the hon. gentleman, in the latter part of his speech, had appeared to give it that complexion. He had a right to consider the case of Mr. Fordyce as a case of hardship. He had been left large sums in debt by the failure of agents, and from that hour no balances had been in hand upon which interest could accrue. He had been treated with forbearance, and that forbearance had been continued to him, first, because his default had arisen from misfortune; and, secondly, because rigorous measures would have ruined him, and thereby have prevented the public from receiving those payments which he should presently state. The hon. member had represented the arrear of Mr. Fordyce as ninety thousand pounds. It had been more, but was soon reduced to that sum. Before 1797, 2000*l.* had been paid out of his separate property, and since 8000*l.* There were 27,000*l.* due on bond within the present year, 11,000*l.* before the 25th of this month, the remainder in July, except 4000*l.* in December. He had, besides, by his talents, genius, and industry, which had been of advantage to the public, acquired additional means of paying his debt; and he put it to the candour of the hon. mover, or of any hon. gentleman near him, whether, in

a case

a case of such misfortune, it would have been right to press him rigorously. The sums he had acquired by his employment had been applied; not to his use, but to pay off his arrears. Upon these grounds, he saw no reason of complaint against the present, or any former government, for having employed this gentleman, nor any ground for parliamentary interference. They all knew the amount of his debt in 1797, and nothing was so easy as for any member to move, that there be laid before the house an account of the amount of the sums that had been paid, of the steps that had been taken, and of the sums now due; after which it would be competent to move for an inquiry, if any gentleman should think it necessary. He should himself move for these important documents. The 14,000l. ought not to be charged to Mr. Fordyce, and as to the other failures, there were effects that would be finally available. Mr. Fordyce, too, had an estate in the island of Grenada which yielded two hundred hogsheads of sugar annually, and would have been subject to his arrears, till the calamity which had called for the indulgence and aid of parliament in favour of the sufferers. The estate was now likely to be productive; but this circumstance entitled the hon. gentleman to the forbearance of government. As to the appointment of Mr. Fordyce on the commission, it had been at the desire of Sir Charles Middleton, with whom he had acted as comptroller of the navy, and every one would bear testimony to the merits and abilities of that hon. baronet. The object of the commission was to form a digest of the regulations of the different royal yards, and they had no discretion or power to obstruct any reform; and he looked upon it as no proof of hostility to any practical reform, that the hon. baronet who had first suggested the naval commission of inquiry was appointed to the royal commission. After a few observations relative to the reports' not having been followed up by any further measures, the right hon. gentleman concluded by declaring that no parliamentary ground had been laid for the motion.

Mr. Fox begged to have it understood, upon what ground he did not wish the gentleman who was the object of the motion of his hon. friend to have been employed. It was not because he thought him unworthy to be trusted, but because he was in a situation of misfortune, and therefore in a state of dependance on his majesty's ministers. The commission was appointed to make suggestions to government, and might they not have to report on such parts as some at least of his majesty's

ty's ministers might be no friends to? However that might be, he was sure that no man in a state of absolute subjection to the power of ministers, could report with that sturdy independence which ought to characterize the conduct of a public reformer. He had not the honour of being acquainted with Mr. Fordyce, but he had no doubt of his being a gentleman of talent, ability, and merit. He thought the house ought to be obliged to his hon. friend for having brought forward the business. Neither had Mr. Fordyce any reason to complain that the subject was agitated, inasmuch as it gave him an opportunity of making known those favourable circumstances of his case which were unknown before. Whether the facts should be laid before the house by motion, or ascertained by the inquiry of a committee, amounted to the same thing; he should therefore not differ from the proposition of the right hon. gentleman opposite. He was inclined to agree in the opinion, that the case of Mr. Fordyce was a case of pure misfortune. He had himself a recollection, so well as he could recollect events that occurred forty years ago, of the failure of the first agent, Cockburn, who had been so strongly recommended to Mr. Fordyce, and the result of his recollection was, that the circumstances afforded a case of very strong equity in favour of Mr. Fordyce. As to the case of Mr. Fordyce the banker, his failure was a misfortune of such an extent, as to produce an effect really astonishing. It would be rather surprising how he should be able to speak to the circumstances. He had accidentally happened a few days back to read over the copy of a letter from Mr. Garrick to a friend of his in the West Indies, in which it was stated that the receipts of the theatres had materially fallen off in consequence of the widely diffused effect of the failure of Mr. Fordyce. If the effect of that failure was so great that the minute pleasures of a great part of the public were depressed by it in so perceptible a degree, he did not wonder that a person in Mr. Fordyce's situation suffered by it materially. It appeared further that Mr. Fordyce constantly exerted himself to make good his deficiency, but that the circumstances of the times, particularly the unfortunate circumstances respecting Grenada, had prevented his arrangements from proceeding in the manner that was to be desired. From what was stated, there was reason to believe that, in process of time, every thing that could be wished would be done. It was therefore for the benefit of the public that no interruption should be given to Mr. Fordyce's management of his means of clearing off the arrears.

The

The facts, however, ought to be laid before the house in a parliamentary way. The right hon. gentleman had stated the facts clearly, and promised to produce the documents; when they were produced, the house would be enabled to judge of what was now but matter of belief and of opinion.

The *Chancellor of the Exchequer* rose merely to reply to the observation that had fallen from the hon. gentleman on the outset, with respect to persons appointed by government, or having expectations from government, being likely to have the same view as the government itself on every subject on which judgment was to be exercised. The hon. gentleman was much mistaken if he conceived these commissioners were to exercise their inquiries on subjects, with respect to which the government was likely to have a bias. Their attention was to be directed entirely to the naval department.

The *Secretary at War* thought himself called upon to state, that Sir C. Middleton had refused to undertake the task entrusted to this commission, unless Mr. Fordyce were also appointed on it; and this from the opinion Sir Charles had formed of the talents and capacity of Mr. Fordyce, in a former service in which he had been associated with him. As a proof that Mr. Fordyce had devoted all his emoluments to the discharge of his arrears, he instanced the case of a sum of twenty-five or twenty-six thousand pounds accruing to him, which he refused to appropriate to a provision for his large family, notwithstanding the recommendations of some of his friends, preferring to transfer it immediately to the exchequer for the discharge of his debt.

Mr. Johnstone insisted strongly on the right of inquiry into any defalcation of the public money. The negligence both of late as well as the present loads of the treasury was the strongest inducement to vigilance on the part of the house. The right hon. gentleman had held out splendid promises to the house, of the re-payment of what Mr. Fordyce owed to the public; but there was no reasonable prospect of their being realized. After the report of the finance committee in 1797, the public were led to believe, that before this time the incumbrances of Mr. Fordyce would have been removed. The fact was, however, that after the lapse of eight years, the debt was as considerable as when the report he had alluded to had been formed. Conceiving then that this was a subject highly fit for the interference of the house, he felt himself called on to support the motion of his hon. friend.

Mr. Creevey, however, on the understanding that the chan-
cellor

cellor of the exchequer would himself move for information on the subject, consented in the mean time to withdraw his motion.

Mr. Grey gave notice, that an hon. friend of his, then absent, meant to submit to the House a motion on the subject of the tenth report of the commissioners of naval inquiry. From the importance of the motion, he thought it necessary to give that early notice. The notice was fixed for Thursday fortnight.

On the motion of the Chancellor of the Exchequer, the report of the committee on the legacy duty bill was brought up. After some few objections from Mr. Grey, on the absence of some gentlemen who intended to offer their sentiments upon it, the bill was ordered to be read a third time on Friday.

The Irish excise duty bill, the Irish stamp duty bill, the Irish postage bill, the Irish malt and spirit duty bill, and the Irish customs duty bill, went through committees. The reports were ordered to be received the next day. In the committee on the last,

Mr. Foster consented, from respect to the opinions of so many Irish members, to discontinue the six per cent. duty on Irish retail imports. He believed, however, and expected, that on a revision of the English duties, it would be found proper to impose something of this kind in Ireland. The other tax that was objected to, the tax on timber, he thought so unexceptionably fair, that he would persevere in it.

Sir John Newport repeated his former objections to this tax, which he thought was calculated to discourage the growth of timber in Ireland, and to defeat the produce of the tax itself by diminishing the import. The produce of the tax on windows and auctions would so far exceed the estimate, that the tax on timber would not be wanted. He therefore moved that this tax should be struck out.

The question being put, there appeared for Sir John Newport's motion 34, against it 89.—Majority 55. The bill of course went forward.

Mr. Thornton gave notice, that, on Thursday next, he would move to fix a day for the exchange of lists of the disputed votes on the late Middlesex election.

The other orders of the day were disposed of. Adjourned.

HOUSE

HOUSE OF LORDS.

WEDNESDAY, MARCH 20.

Counsel were heard for the appellant in the appeal from the court of session in Scotland, Rocheild of Inverleith, against Sir Alexander Kinloch of Gilmerton. Postponed till Friday.

The marine mutiny bill went through a committee, and was ordered to be reported.

The Bishop of Oxford brought in a bill for allowing certain colleges in the universities to purchase advowsons, which was read a first time.—Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, MARCH 20.

A new writ was ordered to be issued for the election of a commissioner to serve in parliament for the shire of Wig-town, in the room of Andrew Macdonall, esq. who, since his election, has accepted of the office of one of the stewards of the Chiltern hundreds.

Mr. Johnson, from the office of the chief secretary for Ireland, presented a list of the reversionary grants of offices which have been made in that part of the united kingdom, from the 1st of January 1795. Ordered to be laid on the table.

On the motion of Mr. Rose, the house went into a committee on the laws relating to the privileges which were granted to foreign ships during the last war, on the subject of the capture of prizes.

Upon the house being resumed, Lord Lovaine (the chairman of the committee) reported the resolutions to the house, and leave was given to bring in a bill in pursuance thereof.

The act for allowing the importation of merchandise, the property of his majesty's subjects in America, in neutral ships, was also referred to a committee, and a bill ordered.

Mr. Rose gave notice that he would the next day move that the house resolve itself into a committee for the purpose of considering the order of council which had been issued on the 15th inst. for permitting neutral ships to trade from England to Spain and from thence to England.

Mr. Sturges Bourne moved, that the order for the house going into a committee on the Isle of Man trade regulation bill should be postponed to that day se'nnight.

Mr.

Mr. Creevey observed that the act was to make several duties permanent which had hitherto been only annual, with respect to that island. The people there had not had time to have any knowledge of the measure. He therefore suggested that it would be proper to allow a sufficient time for them to obtain that information before the bill proceeded further.

To this the hon. mover acceded, and Thursday the 25th of April was appointed for committing the bill.

The exchequer bills bill and the Irish spirit warehousing bill were read a third time and passed.

Mr. Huskisson brought in the bill for repealing the law which restrains the issue of small notes in England. It was read a first and second time, passed through a committee, and the report was ordered to be received the next day.

REGULATION OF PRIZES.

Sir William Scott moved for leave to bring in a bill for the encouragement of seamen, and the better manning of his majesty's navy. He stated the object and principle of the bill, the brief substance of which is, 1st, to regulate the description of people who shall be considered entitled to prizes; 2dly, to describe the functions of the court which shall have to decide upon the different cases; and 3dly, to regulate the management of such property, and the distribution of the prizes after they shall have been adjudged. Upon the 1st head he only remarked that all right relative to the property of prizes is, by the constitution of this country, vested in the crown; and, though a contrary usage has prevailed, it is only from the spontaneous wish of the crown that any regulation on that subject can be made. This part of the bill of course would be so constructed as to agree exactly with the terms of the royal proclamation. The second part is governed by those rules which are generally adopted throughout Europe, without adhering rigidly to any municipal regulations, and the legislature of this country has always been very delicate as to any interference which might have a tendency to give such courts a different character from that which is universally admitted to be the best among all civilized nations. The bill would therefore make very little deviation from what has been the invariable practice of such courts. Upon the third head he dilated at some length. The following are a few of the regulations: to compel agents to give 5,000*l.* security for the faithful discharge of their duty;

duty; to invest captors with the power of compelling agents to vest the funds, of which they may have charge, in the hands of government; to order that agents shall produce their accounts to the captors when required so to do; also that the agents shall keep their different offices open two days in every week for the transaction of business; to authorize a more summary way of proceeding in the court of admiralty, and at a less expence than mariners are now subject to in the mode of recovering what they may be entitled to, in case of any dispute; and to compel agents to transmit money to claimants, who shall be at a distance from the residence of the agents, and who shall be fairly entitled thereto. Upon the whole, he observed that his object was to submit to the house what appeared to the best of his judgment to be a fair and practicable remedy for real evil.

The question was put and carried without a dissenting voice.

The Irish excise duty bill, the stamp bill, the malt bill, and all the other Irish tax bills which passed through committees the preceding day, were reported, and ordered to be read a third time the next day.

Mr. Dawson moved that an account of the game licences issued in Ireland from the 1st of January 1801, up to the present period, be laid before the house. Ordered.

The other orders were then postponed, and the house adjourned.

HOUSE OF LORDS.

THURSDAY, MARCH 21.

In the appeal from the court of session in Scotland, the Earl of Kinnoul and others, against Mr. Ramsay Maule and others, the Duke of Athol, from a local knowledge of the fishings on the river Tay, from which the point in dispute originated, delivered his opinion for reversing the decree of the court of session.

On the motion of the Lord Chancellor, however, who distinguished the judgment of the court of session, which was merely one of a possessory nature, from a finding on the merits, the decree of the court of session was affirmed without costs.

The exchequer bills bill, the sugar drawback bill, the Irish postage duty, excise duty, malt duty, stamp duty, and spirit

warehousing bills, and several private bills, were brought from the commons, and read a first time.

A gentleman from the custom house presented an account of the balances and arrears in the hands of the different collectors, down to the latest returns.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, MARCH 21.

Mr. Bulley, from the exchequer office, presented accounts of the amount of the net produce of the permanent taxes for the year 1804; the state of the consolidated fund, and the amount of the funded debt. Ordered to be laid on the table, and to be printed.

Mr. Bernard gave notice, that, on the 25th of May, he would bring forward a motion for the consideration of the petition from the grand canal company in Ireland; but, on the suggestion of Sir John Stewart, the hon. member consented to have it fixed for the 6th of that month.

A message was delivered from the lords; stating, that their lordships had agreed to the bill for relieving Lord John Thynne from certain pains and penalties, and the bill for the better regulation of the marine forces while on shore, and three private bills.

Sir John Newport stated that there was no established provision for the poor in many parts of Ireland. Lunatics and idiots, in particular, he thought, were in a most deplorable situation, being in many places suffered to wander at large for want of a settled place of abode; and in that state of distress, being sometimes driven to such desperation as to commit crimes of which they would not otherwise have been guilty. There were no less than one hundred and seventy-three of these unfortunate persons now confined for offences which they had committed while they were in this distressful situation. It must be obvious, therefore, that some provision is necessary to be made for the support of such persons, and the security of the public. With a view of effecting this most salutary purpose, the hon. baronet moved, that leave be given to bring in a bill to authorize the establishing of four asylums in Ireland, one in each province, for the support of indigent lunatics and idiots. The salaries of officers, he proposed to limit to sixty pounds a year; that no one officer whatever should have more; and that the charge

of

of each establishment should be levied off the counties within the province by the different grand juries.

Colonel Bagwell seconded the motion, and related an anecdote of some violence having been committed by one of these unhappy persons near Clonmell, and of his having been committed to prison for so doing in the presence of the member himself.

Mr. Corry suggested that the expence of these establishments should be defrayed by issues from the exchequer, and charged to the particular account of that part of the united kingdom.

After a few observations from *Mr. Rose* and *Mr. Foster*, leave was given to bring in the bill.

The Irish customs and excise duty bills, and all the other Irish tax bills were read a third time and passed.

The small notes bill was reported, read a third time, and passed.

IRISH LOAN AND EXCHANGE.

Lord Archibald Hamilton rose to submit his motion on this subject to the house. In bringing forward the resolution which he should have the honour to propose, he was not actuated by any sentiment of hostility to the right hon. gentleman opposite (*Mr. Foster*.) When he had first called the attention of the house to this subject, he had stated, that the excessive issue of paper had arisen from the restriction of issues of specie from the bank, and had produced the consequent depreciation. The object of his motion was, a disapprobation of the measures that had been taken by the commissioners of the treasury, in order to remedy the high rate of exchange. Their measures were of a partial and temporary nature, answering no one purpose proposed, and leaving the exchange in precisely the same state. The noble lord here read from the papers on the table the different rates of exchange at which the Irish treasury had offered at different times their drafts upon this country, from eleven and a half per cent. to eight one-third at par; and contended, that, by giving their drafts at par, whilst the actual exchange was thirteen, or at least twelve per cent. they negotiated the transmission of the loan at a loss to the public of forty thousand pounds on every million, and he should ask whether this was fair, legal, and regular? An expectation was entertained in Dublin that the measures of the treasury would reduce the exchange to par; and, consequently, the whole of

the sums advertised had not been purchased whilst the rate was above par; but, when the accommodation had been offered at par, though the sum wanted did not exceed one hundred and fifty thousand pounds, the sum of five hundred thousand pounds was subscribed; and such was the eagerness and avidity to procure a share of it, that a kind of riot had taken place amongst the bidders at the castle, which required the military to suppress. The house, he trusted, would put an end to this practice in future, as it had produced no advantage, but great loss to the public. The restriction of cash payments had caused an excessive issue of paper, which enabled the bank directors to give a bonus of five per cent. last year, making the total dividend on their stock twelve per cent. He should ask the right hon. chancellor of the exchequer under what possible circumstances he could renew the payments in specie? As the restriction had now existed during a period of peace and of war, as the effect of it was an excessive issue of paper, and a consequent depreciation of it, and as by the measures pursued by the Irish treasury, a loss of forty thousand pounds had fallen on the public in every million, and as, amidst this desolation of the finances of Ireland, the only stock that thrived was bank stock, he should move his resolutions, "that it appeared to the house that a considerable part of the sums raised in Great Britain for Ireland, for the service of the year 1804, had been transmitted to Ireland by bank of England post bills; and that said bills had been sold in Dublin by the commissioners of the treasury, by public advertisement, at rates inferior to those at which they had before sold." The other resolutions expressed disapprobation of the conduct of the Irish treasury in so doing.

On the question being put on the first resolution,

Mr. Foster observed, that whatever complexion the noble lord might put on his resolutions, they amounted to a direct charge on the commissioners of the treasury in Ireland. He had confounded the question of exchange with the conduct of the treasury. The right hon. gentleman begged to state the nature of the transaction. A large loan had been negotiated in England for the service of Ireland, and he had applied in November to the directors of the bank in Ireland, to bring over the money, which they had refused, lest it should injure their character for impartiality, as some of them were concerned in the business of exchange. The commissioners were obliged to order it over in bank of England post bills, which
they

they sold in Dublin. They first advertised a sum of 200,000*l.* at 11 and a half per cent. but only 170,000*l.* were subscribed. The next sum they advertised was of the same amount at 10 per cent. and only 170,000*l.* was obtained. They then found themselves under the necessity of disposing of the bills at par, which was 8 1-3*d.* in order to procure the sums required for the public service. But during the whole of this period, the actual state of exchange fluctuated between 8 and a half and 10 or 11, to which it had in one or two instances risen for a short time. The noble lord could not, therefore, make out that any loss had been sustained by the public by this transaction. The question of exchange was not regularly before the house, but he would be indulged with an observation upon it. The state of exchange depended on the general balance of pecuniary transactions between two countries, and in this respect it was favourable to Ireland for so large a sum of money having been transmitted. The restriction of the issues of specie was the primary cause of the unfavourable state of the currency and exchange, having given birth to a species of speculators in exchange, unknown before, but whose interest it was to keep it high. Another cause was the over issue of paper. In the months of May, June, and July, the bank of Ireland diminished its issue from three to two millions and a half, and the exchange fell. In August they increased it again to three millions, and the exchange rose. The same consequence had happened in 1753, from the breaking of the bank, and in the reign of King William, from the base coin. Where guineas were paid, the exchange was at 5 per cent. being 3 below par. The right hon. gentleman contended no ground had been made out for the motion, and therefore to get rid of it moved the order of the day.

Lord Henry Petty agreed in the whole doctrine laid down by the right hon. gentleman, as to the causes of the unfavourable state of the exchange for Ireland. He agreed also that the motion was a direct charge upon the treasury of Ireland. But he disclaimed on his own part, and that of his noble friend, any intention to make a charge upon the right hon gentleman, whose conduct, if brought before the house, would entitle him to its gratitude. There had been considerable misconduct in the Irish treasury, in their management of bringing over the loan. They had departed from the usual mode, and thereby occasioned considerable loss to the public. The right hon. gentleman disclaimed any idea of lowering the exchange, though

though the expectation had prevailed to that effect, as appeared from the full sum required having been subscribed when the exchange was lowered to par. The noble lord here read an extract from the report of the committee on the Irish currency and exchange, to shew that it was improper in the lords of the treasury to interfere with the exchange, as it would encourage jobbing, which had literally taken place in this case, persons having bought the bills and resold at a profit. He should therefore vote for the proposition of his noble friend.

The *Chancellor of the Exchequer* maintained that the conduct of the Irish treasury had been correct, as it was the duty of the commissioners to provide the money for the public occasions. It was a perversion of terms to infer that the depreciation of paper had any real effect on the exchange. He allowed that the excessive issue of paper produced a depression. The fact was, that in each country there was a different circulating medium, and the depreciation of either could have only a nominal effect on the course of exchange. The remittance of so large a sum as four millions and a half, would have had the effect of lowering the exchange, even if the operation of the Irish treasury had not taken place. The ground of the noble lord's charge of a loss to the public, appeared to rest on a supposition that the rate of actual exchange would have continued the whole time at 13 per cent.; but was it to be supposed the Irish treasury could have procured purchasers at thirteen per cent. when they had failed at eleven and half? For these reasons he thought that no ground had been laid for the noble lord's motion.

Mr. Fox was glad to hear the right hon. gentleman opposite allowing that an excessive issue caused a depreciation, and that the house should never again hear the fantastical opinions that paper was not depreciated, but the value of gold raised, as well as that these evils proceeded exclusively from the restriction on the bank. As long as the bank paid in specie, there had been no excess, because in that case the issue carried its own remedy with it, being payable in specie. The argument here was, that the new method had produced an effect which the old method never had. Whether the loss to the public was to the extent of the difference between eight and a half and thirteen per cent. it was impossible to tell now, but he thought sufficient ground had been laid for the proposition of his noble friend.

Mr.

Mr. Lee contended that there had been no over issue of paper in Ireland, and defended the conduct of the commissioners of the treasury, in the measure they had adopted for bringing over the loan.

Mr. Alexander concurred in the sentiments of his honourable friend who had just sat down, that there had been no over issue of paper in Ireland. If the bank of Ireland had not increased its issue, paper would have been issued through channels with less security to the public.

Mr. John Latouche stated that a report of great notoriety had prevailed in Dublin, that the measure of the lords of the treasury was to lower the exchange; and the consequence was, that the merchants had been induced to hold back their money in expectation of getting the bills at two per cent. less in a fortnight. He should vote for the motion.

Mr. Grey observed that the right hon. gentleman had argued as if he had been reduced to the alternative of getting the money by bank post bills, or in the old manner which had been condemned by the report of the committee. But it was not the old mode, but the tampering of the commissioners of the treasury with the exchange that the report condemned. It had been argued that efforts had been made to get over the money at eleven and a half and at ten per cent. unsuccessfully; but the answer to such a statement was, that two millions had been drawn in the usual way, without having produced any effect on the exchange. When it was well known in Dublin that a certain sum was to be sold within a given time, the natural consequence was a reduction of the price. Under these circumstances he should vote for the motion.

Sir William Pulteney made a few observations in support of the motion; but stated, that in his opinion it had not been clearly made out that the excessive issue had any effect on the exchange.

Mr. Henry Thornton was of opinion, as well now as in the committee, that the excessive issue of paper was a cause of the unfavourable state of the exchange, and was surprised that the bank of Ireland had not taken the hint given in the report of the committee.

The question being loudly called for,

Lord Archibald Hamilton briefly replied; after which his resolutions were negatived without a division.

The Secretary at War presented an account of the number of effective men-serving in the militia,

VOLUNTEERING.

VOLUNTEERING FROM THE MILITIA.

The *Chancellor of the Exchequer* said, the object of the measure he intended to propose was, instead of the gradual reduction of the militia to the original establishment of forty thousand for England, and eight thousand for Scotland, to make the reduction immediately, by allowing the supernumeraries now existing above that amount, to volunteer into the line. By the returns of the militia, as it now stood for England and Scotland, for he would propose nothing with respect to Ireland at present, the amount was seventy thousand men. On reference to the militia acts, it appeared that the total number of forty thousand for England, and eight thousand for Scotland, were described as privates, in which description corporals were not included. It was necessary, therefore, to make allowance for corporals, who were included in the return of rank and file. The number of corporals in the force to be kept up was two thousand three hundred, making in the whole number for England and Scotland something above one thousand. Consequently the difference between that and the existing force afforded about seventeen thousand men to be applied to the augmentation of the disposable force. Notwithstanding the variety of opinions that existed with respect to all military measures, it was a thing agreed on all sides, that an addition of seventeen thousand men, to be made in a moderate time to our disposable force, would be a great and important accession of national strength in the point in which it was most desirable; he would say further, at a time when the existing circumstances of Europe rendered it likely that our disposable force could be employed with most advantage. The beneficial effects of the measure would be still heightened, because it was not merely men that would be gained for the regular army, but trained and disciplined soldiers, of a description far beyond what our regular army afforded till within these few years. The acquisition would be thus doubly valuable. Great, however, and desirable as this acquisition was allowed to be by all who expressed their sentiments on the military state of the country, he would not have desired it if he thought the measure by which he proposed to carry it into effect was of such a nature as to be attended with any serious detriment to the militia as it now stands, or as it was allowed by law to be ultimately fixed. He was one of those who held the unabated zeal and unalienable pride of the militia leaders

leaders as one of the best points in the country, and he should be sorry to do any thing to impair so valuable a spirit. The house and the country were called upon by the circumstances of the present moment to carry into effect the determination formed last session, that the militia ought not to be maintained at an amount more than forty thousand for England, and eight thousand for Scotland. This determination had been formed on the ground that the number of men now locked up for defensive purposes was too great, with a view to a description of force which may be employed for the defence of Ireland and the islands in the channel, and still more with respect to a disposable force and the means of recruiting that force. The commanding officers of the militia, men of the highest respectability, had, besides, concurred that the number of militia officers could no longer be maintained consistently with the constitution of the militia. The ballot fell so heavy, and the procuring of officers was so difficult, that the warmest friends of the militia allowed the best service that could be done to it was to reduce it to the original amount. On these considerations the house had passed an act in virtue of which all vacancies occurring till the militia was reduced to that standard were not to be filled up. It happened that, by the remoteness from the permanent establishment, by the slowness and uncertainty in the approach to it, by the fluctuations which the occasional decrease occasioned, the strength of the battalions was liable to constant variations, and the companies continued disproportioned in their strength, so that neither could be counted upon as affording any certain force to be calculated upon for any one military purpose. This fluctuation was a further ground for the reduction, and the deficiency of officers, not merely officers properly qualified, was such that there would be not more than sufficient for the reduced establishment, there being at present above five hundred vacancies for officers in the militia. If the superfluous men were in the end to be reduced, if while they remained they were not constituted in the most advantageous manner for the public service, was there ever a case which there was juster cause for allowing to be carried into immediate effect by volunteering, which was the ultimate object of the determination of the last session, and what was acknowledged to be most useful and desirable to the country? It was generally known from report, it was known to him from more particular authority, that there never was a period at which the militia were

more desirous to give their fullest services to their country's cause, if they were permitted. This was, in truth, the moment at which it was most desirable to bring forward such a proposition, a moment at which he would be justified in saying no difficulty stood in the way of it, if he had not, from the communications he had with the commanding officers of the militia regiments, learned that some of them were adverse to it. Much, however, as he respected the opinions of these gentlemen, he could not, in compliment to them, desist from a measure which his public duty required him to carry forward. But he would consult their sentiments and wishes in the arrangement as far as possible consistently with his duty, and it was a satisfaction to him to think, that the reduction he proposed would leave the militia still in a state in which its spirit would not be diminished, nor its character impaired, in a state altogether such that its commanders would have no reason to regret the change that would have taken place. It was not necessary in this stage of the business to go into the detail. The number it was proposed to take was seventeen thousand, out of sixty-eight thousand that were now embodied. Thus the proportion that would be called upon to volunteer from each regiment was such, that it was not likely to deteriorate the part that remained. The greater proportion would remain, and may be composed of, or may include those men for whom the officers had a predilection. It was, indeed, a satisfaction that the militia was so constituted, that if its own officers were to chuse the men they were to retain, the remainder would be highly valuable to the army; or if the officers of the army were to select those they would take, those who would remain would be still valuable for the militia. The mode of regulating the volunteering which he proposed was, that when the quotas for the counties should be fixed, and the orders specifying the quotas they were respectively to furnish, a time, not very long, should be allowed to each officer to select those of the men disposed to volunteer, with whom he was most willing to part, and to tender them. If the men so tendered should amount to four-fifths of the quota of the regiment, the regiment should be released from all further claims. This regulation afforded the commanding officer the means of excluding all intervention that could be disagreeable to his feelings. If, on the expiration of the term allowed, the proportion of four-fifths of the quota should not be furnished, the commanding officer was to have the liberty of setting
apart

apart one-half of the regiment to constitute the foundation of the regiment that was to remain to him: the other half was to be handed over to government to take from it the proportion of volunteers to which it was entitled, the remainder to be given back to complete the regiment. If a greater number should volunteer than government was entitled to take, they were to be reduced to the just proportion by ballot. For example, in a regiment of one thousand men to be reduced to seven hundred, the commanding officer may set aside five hundred men, to whom no offer could be made, and who were to remain to him without any disturbance whatsoever. From the other five hundred, government would take its quota, and the remainder was to be restored to the commanding officer, to form his regiment, at the reduced establishment. Out of sixty-eight thousand, the present amount of the effective militia, thirty-four thousand were to be set aside, to remain untouched, as the foundation of the fifty-one thousand, which would form the whole of the reduced militia. When government would have taken its proportion of the other thirty-four thousand, that was about one half, the remainder would be restored, and if four-fifths of that proportion were provided and offered at the time limited, the regiments would remain undisturbed by any further call. Thus he set out on a proposition that left no room for jealousy to the commanding officers; and whatever mode was adopted the effect could not but be desirable to the regular army. The mode he proposed seemed altogether the best calculated to meet the wishes and desires of the persons concerned. It was not necessary to enter further into the details of the measures, unless any gentleman desired information on a particular point. When the bill should be introduced, he would feel the same desire to attend to the suggestions of gentlemen as he had in framing the measure in the first instance, and, above all, he should be careful not to diminish that spirit and pride which was the most beneficial characteristic of the militia, and the greatest advantage the country derived from those who devoted their attention to this valuable branch of the public force. The right hon. gentleman concluded with moving for leave to bring in a bill for allowing a certain number of men to volunteer from the militia into his majesty's regular regiments.

The motion being read from the chair,

Earl Temple rose to ask of the right hon. gentleman whether

ther serjeants from the regular army had not already been sent to recruit from the militia?

The right hon. gentleman, in reply, stated, that he had no reason to think that any such proceeding had taken place. Orders might, indeed, have been sent to dispatch recruiting parties to receive such volunteers as presented themselves.

Earl Temple resumed by arguing that this very proposition before the house was the best possible proof of the inefficiency of that defence bill of the right hon gentleman, the repeal of which he had so vehemently opposed. Formerly the militia were only to undergo a gradual reduction, and the right hon. gentleman seemed to count days and months for the accomplishment of what his bill was to effect for the recruiting of the regular army. Now, however, these expectations were shewn to be completely fallacious. and, therefore, to remedy this defect, the militia were not by slow gradations, but by one blow, to be reduced to the number of forty thousand. This, he maintained, was grossly unjust, and totally contrary to that principle of the abolition of the ballot which the right hon. gentleman held out as the grand recommendation of his bill. Here, however, the militia being reduced to forty thousand, to which number it was to be kept up, the ballot, as soon as ever any vacancies occurred, must come again into operation. Hardly twenty-four hours might elapse before the odious exploded system of ballot would be required to keep up the militia to its full complement. The right hon. gentleman had rested a great deal on the general conviction entertained of the necessity of a disposable force. He, for one, would be the last man to deny the existence of such necessity, but he did not on that account feel himself called on to admit that this disposable force was to be obtained in the way now proposed. The right hon. gentleman had said that never was there a moment when the ardour of the militia to volunteer into the regular army was more conspicuous. On this subject he had a few observations to submit to the house; but he would first of all refer to the pledges which the militia officers had at different times received on the subject of any future reduction. Under the former administration of the right hon. gentleman, a solemn pledge was given, that the idea of reducing the militia would not be again resorted to. He knew: that it would not be regular in him to allude to what had passed in the other house of parliament. He might be permitted, however, to state it as a matter of history, that a noble lord in another place, who was then in administration, on

on moving for extending the militia to its present amount, did also give a solemn pledge that the system of the militia should not henceforth be attacked. These two governments were now united, and he would not take upon himself to determine how much they coincided in opinion. He was much inclined to think that they agreed in nothing so completely, as in mutually forgetting their pledges to the militia officers. He had already referred to an observation of the right hon. gentleman, that there never was a moment when the militia were more inclined to volunteer into the regular army. While such a statement went forth to the public, it was requisite that the real state of the case should be explained. At a meeting of lord lieutenants of counties, and gentlemen interested in the preservation of the militia system, the right hon. gentleman had assured them that every thing should be done in the genteeliest manner possible, and that all pains should be taken to prevent the slightest insubordination in that part of the militia whose limited services were to be continued. But how, in point of fact, did the matter stand? He could on this subject take on himself to assure the house on the most unquestionable authority, that means of a very improper nature had even already been resorted to, to procure volunteers from the militia, and to detach them from their colours. He had himself the honour to be colonel of a militia regiment, and he had been within these few days informed, by the officer who commanded in his absence, that recruiting parties from the first battalion of guards had actually appeared among the men, and endeavoured to seduce them from their present situation into the regular army. A letter had been written on this subject to the colonel of this battalion of the guards, and his answer was, that these parties had gone down to places where militia regiments were quartered, with the express view of receiving recruits from these regiments.—When this was notoriously the fact, he hoped the house would hear no more of the delicacy with which the militia officers were to be treated. He would, on the contrary, maintain that such practices as those he had just alluded to were the most degrading that could be conceived to the feelings of the militia officers. The right hon. gentleman had often talked of his affection for the militia; but he left it to the determination of the house how far such declarations were entitled to any degree of credit. Every one of the right hon. gentleman's acts relative to the militia, seemed rather to prove that he was anxious for the total abolition of the militia system. Could there be a greater proof

proof of this than the practice to which he had referred, which, though it might not have proceeded directly from the right hon. gentleman, was a proof of the general disposition of government? He complained too that courts martial, as well as sentences of courts martial, were suspended. Though he allowed that this was for the purpose of applying the new clauses of the mutiny act, he could not help thinking that such a suspension at the present period was not at all judicious. It had a great tendency to excite a spirit of insubordination, particularly in the militia regiments, combined with those arts of seduction which he had felt it his duty to condemn in the severest terms. He was wholly adverse to the measure, as a direct tax on the landed interest. Every vacancy that occurred would operate as a fresh tax, and this, too, after the solemn pledges to which he had referred. The militia were now to be reduced to forty thousand, but how did the house know but it soon might be reduced to twenty thousand, or what arts might be employed to encourage volunteering into the army? The noble lord here again alluded to the arts employed to detach the militia from their commanders, and touched on the pledges of the right hon. gentleman to those present at the interview of which he had already taken notice.

The Chancellor of the Exchequer spoke to order: and

The Speaker intimated that it would not be regular to go into any discussion on a confidential communication.

The noble lord, with all proper deference for the chair, insisted that what he was referring to was not of a confidential, but of a public nature. He further pledged himself, if called on, to prove every one of his allegations at the bar of the house.—The noble lord, after a few more observations, tending to shew that the measure would deteriorate the quality of the militia as our constitutional defensive force, sat down with declaring his determination to resist the bill in every successive stage.

Lord Stanley considered the measure as unfair and degrading to the militia officers. It was also most unjust to those who had provided men to serve as substitutes. He insisted on the breach of faith in calling for another volunteering from the militia. The Chancellor of the Exchequer himself, in proposing the gradual reduction of the militia last year, had expressly said, that good faith should be kept with the militia. Could he, with all his eloquence, have selected no term but that which he was so soon to violate?

The *Marquis of Douglas* declared his determination to oppose

pose the measure in every stage. It was a measure that went to destroy the constitution of the militia, and every function belonging to militia officers and militia men. It went, besides, to retard the recruiting for the line. He thought it unfair towards the owners and occupiers of land, that after they had, at an enormous expence, raised this force, to serve them in their homes, it was turned to other purposes, leaving them a diminished and uncertain protection. He dwelt on the degrading situation in which the militia colonels were placed, and the deception put upon them, and upon the country, which was told, when domestic force was wanted, that invasion was at hand; when disposable force was wanted, that invasion was no longer to be apprehended. Alarms were thus diurnally varied, according to the views of intrigue, without any regard to truth, or to the interests of the country. These volunteers would be very dear recruits, considering the bounty they would now receive, and what most of them had already received as substitutes.

Mr. Calcraft wished to know, whether the enlistment into the line was to be for life, and for unlimited service; and whether the quota of four-fifths was to be made out under the direction of the colonels?

Sir James Pulteney thought no disadvantage could arise to the militia under the regulations proposed. The reduction of the original militia was for many reasons desirable, particularly as it would render the battalions more effective. The greatest part of the glories of the conclusion of the last war; was owing to the volunteering from the militia in 1799. He hoped some regulations would be adopted as to the size of those to be received into the line.

Colonel Bastard took notice of the three reasons alleged for the introduction of this extraordinary measure; namely, the want of men for the regular army, the scarcity of officers for the militia, and the stated ardour of the men belonging to the militia to volunteer for the regular army. Now, as to the first, he conceived it to proceed from the inefficiency of the measure adopted at the instance of the present ministers, for the augmentation of our regular army;—and the second, he thought a very natural result of that system of tampering with the militia, which had obtained of late years, particularly under the auspices of the right hon. mover of the proposition before the house. If that tampering, of which this proposition was a part, had not existed, if men were not thus seduced from the militia after they were fully trained, officers would

would not be wanting for that body: but the fact was, that the country gentlemen were sickened and disgusted with the militia in consequence of the practice alluded to. As to the third allegation, that many of the militia were ready to volunteer into the line—the manner which seemed to have been taken to ascertain, or rather to excite that disposition, had been already stated, and animadverted upon with proper severity by a noble lord (Temple). To what that noble lord had stated he should only say, that it appeared to him absolutely nothing less than an endeavour to excite a spirit of mutiny among the militia, to render them discontented with the force in which they were engaged, and to which they were sworn:

Flectere si nequeo superos et cheronta monebo.

Ministers seemed resolved to stop at no expedients, to respect no boundary however venerable, no institution however sacred, to attain an object which they promised, when they displaced their predecessors, to accomplish without delay or difficulty. The hon. gentleman complimented the late economical and constitutional ministry, as he described them, for declining to lay a sacrilegious hand on the militia, and declared that he should rather see the militia system dissolved altogether than thus mutilated and frittered away. He conjured the house not to give way to such bills as the right hon. gentleman who proposed this motion was in the habit of bringing forward, for he could tell them such a fact with respect to a jury which was impanelled to adjudge compensation between the crown and an individual under one of those bills—(the hon. member was proceeding to state this fact, when he was called to order, and the Speaker informed him that he was travelling from the question before the house). He insisted that the militia was entitled to the peculiar patronage of parliament and the country, as the best calculated force to resist foreign invasion, to repress internal disorder, and to form a constitutional check on a hired army.

Mr. Fuller was surprised that any gentleman should attempt to thwart the wishes of those brave men belonging to the militia, who manifested a disposition to serve their country more effectually, by volunteering for the regular army. To give full effect to such a disposition was the object of this bill, and therefore he would support it. With respect to the militia system itself, he thought it to have much degenerated from the principle of its original establishment, and he on that account approved of its reduction. He considered ridiculous the

the language used with regard to the dangers of our situation. With such a force as we had, he contended that we had nothing to fear. With 500,000 men in arms, and a high-spirited people, there was only one thing wanted, and that was, that the hon. gentleman on the other side (Mr. Fox) should take his seat with the right hon. proposer of this motion, to enable us to bid defiance, to overwhelm all the dangers that menaced us. Those two great men united, we should soon extinguish the power that threatened to annoy us—we should soon destroy the vessels on the other side of the water—we should speedily clip the wings of the bantam emperor that commands them.

The *Chancellor of the Exchequer*, in reply to the hon. gentleman (Mr. Calcraft), stated, that it was proposed by the measure he meant to bring forward, to leave, in the first instance, the selection of the men who should volunteer, entirely at the discretion of the commanding officers of the militia, without prescribing to them any form of proceeding or restrictions whatever, unless some of obvious necessity, as to the size, age, and health of men—or allowing the interference of regular recruiting officers; and that, when any battalion should offer four-fifths of the men required from such battalion, no further step should be taken, under this act, with respect to that battalion; that is, that the act should have no further operation upon it. But if a battalion should not furnish the complement specified within a time to be limited, which would be proposed in the committee, that in such case the commanding officer should set apart one-half of his regiment, from among whom the regular recruiting officers should be at liberty to obtain the number required under this act, if so many should volunteer for general service. According to this regulation, the officers would have the opportunity of retaining their prime men, and thus, after the proposed reduction, they would have in their regiments two-thirds of prime men, which would be a much greater proportion, according to the strength of such regiments, than they now have. From this the right hon. gentleman argued, that the pride of the officers of the militia had no reason to be alarmed, as the means would still remain to them, by their own selections, to preserve the character, appearance, and discipline of their respective corps. The right hon. gentleman then proceeded to remark on the pledges which he was charged with having given on former occasions, not to interfere with the militia; but in the first instance he begged to ask, whether it could be

seriously argued that the pledge of any man or any minister should tie up the authority of parliament? It was undoubtedly in the power of any man by his pledge to tie up himself; but with respect to the pledges alluded to, he could most confidently say, that he never was himself, nor did he know of any ministry that ever was, a party to such pledges. He was aware that when a measure of a similar nature was proposed on a former occasion, it was alleged by those who opposed it, that the intention was to render militia officers mere drill sergeants for the army, and the militia itself a mere passage to the line. Those were ideas which he distinctly disclaimed, as he did another insinuation at the same time from the same quarter, that it was his intention, and that of those who acted with him, to recur to the plan of volunteering from the militia on every ordinary occasion. Although he disclaimed those things, which were the exaggerated conclusions of gentlemen on the other side, he never gave any thing in the shape of a pledge that the project of volunteering from the militia would not be resorted to upon any future occasion, however extraordinary. And what was the case at present?—Why, that parliament having already decided that the militia should be reduced to a certain number, and it being actually on its passage to that number, it was now proposed merely to accelerate that reduction, and more quickly to accomplish the resolution of parliament. A noble lord had asserted, that at the time the defence act was proposed last session, he professed to “keep good faith with the militia.” This was a declaration of which he certainly had not the slightest recollection, or one rather which he was quite positive he never could have made. Nor did he conceive how the occasion could have called for any such declaration. In proposing the reduction of the militia to 40,000 men, the improbability of any project of volunteering from that body for the regular army, when so reduced, he might have made use of as an argument to recommend his proposition; but he was quite certain that he never made any pledge upon the subject, however gentlemen might have misunderstood him. With regard to the statement of his noble relation, respecting the conduct of a certain recruiting party, in the operation of his candour and good nature, which seemed rather to forsake him in the warmth of his outset, the noble lord was pleased to acquit his majesty’s ministers of being a party to such an irregularity. [Lord Temple nodded dissent.] Then surely, said the right hon. gentleman, the noble lord would not fairly consider government responsible for the misconduct

conduct of a recruiting party. If, however, recruiting parties, in their zeal for the service, did, in towns where militia regiments were stationed, behave in the manner stated, and that such consequences were apprehended from their tampering, that was a strong argument for carrying into operation the bill which it was the object of his motion to introduce—for that certainly was the best way to prevent such effects. That regular officers should be sent to the different quarters, to receive the men who should volunteer, seemed not only unexceptionable, but desired by the commanding officers of the militia, for a noble lord (Stanley) had observed that it was much to be wished, for the sake of discipline, that such recruits should be taken away from the quarters of the militia as soon as possible. Some gentlemen, the right hon. gentleman observed, shewed a prodigious desire to describe every measure as calculated to increase the burthens upon land. But he hoped that the landed proprietors possessed too much sense, and were too anxious for the success of an arrangement designed for the defence of that land, to be influenced by such allegations. Indeed, if it were not for the authorities from which they came on this occasion, they were too frivolous to be answered. How could it be seriously maintained, that the land owners ought to be discontented; or that their burthens would be increased, because men, who had at first engaged for limited service, were now ready to perform more than they originally promised; that upon receiving a bounty from the state they should stand forward to serve their country more effectually than under their present engagement they were enabled to do? There was one other point of which he should take notice in the observations of his noble relation, although, indeed, the noble lord had rendered that almost unnecessary, as he had answered himself. This was with regard to the order for suspending the courts martial, and its tendency to break down discipline, as the noble lord asserted. But the noble lord, himself, afterwards stated that this order, of the issue of which he (Mr. Pitt) never heard before that night, was sent in consequence of the alteration recently made in the mutiny bill, which alteration made that order fair and necessary. However, as that bill was now passed, the suspension would of course cease. The noble lord was enabled to go on with any trials that he wished, and bring them to a termination also, before the bill, to which the motion before the house referred, could be carried into a law. But lest it should be supposed that this bill would have any tendency, as it seemed to be apprehended,

to encourage insubordination, he had only to state that it was intended to make special provision, that in case men, under a charge of misconduct, meant to be tried, or undergoing a trial, or under any sentence, should offer to volunteer for the line, commanding officers should be invested with a power to refuse their discharge. The right hon. gentleman concluded with stating that if his motion should be agreed to, it was his intention to bring in the bill that night, move it to be read a first time and printed, and fix the second reading for Tuesday next.

Lord Temple, in explanation, restated his former assertion, that the recruiting party he had alluded to appeared to have had authority for their irregularity, and therefore government was responsible for them. As to the order respecting courts martial, he said that the order was not only for suspending courts martial, but to prevent the execution of sentences, and the holding any courts martial whatever, until further orders.

The motion was agreed to without a division.

The small promissory note bill was read a third time and passed.

The Chancellor of the Exchequer then brought up his militia reduction bill, which was read a first time, and ordered to be printed.

On the question being put, that it be read a second time on Tuesday, it was contended by Lord Temple, Lord Douglas, Mr. Calcraft, Sir John Newport, and General Tarleton, that a more distant day ought to be fixed for the second reading, as it was impossible members should have time to peruse the bill, as it could not be expected to be ready for delivery before Monday, considering the tardy manner in which the votes were at present printed. In answer to which the Chancellor of the Exchequer assured the house that the printed copies would be ready for delivery on Saturday, and contended that, as the principle of the bill had already been admitted, the committee would be the proper time for gentlemen to enter into the minutiae and such clauses of it as might appear exceptionable.

The second reading was then fixed for Tuesday.

Mr. H. Thornton deferred till the next day his motion respecting the exchange of lists in the Middlesex election, and the extending of the day when the committee on the petition was to be balloted for.

A new writ was ordered for the election of a member for the borough of Old Sarum, in the room of N. Vansittart, esq.

esq. who has been appointed secretary to the lord lieutenant of Ireland.—Adjourned.

HOUSE OF LORDS.

FRIDAY, MARCH 22.

The royal assent was granted by commission to the marine mutiny bill, Lord John Thynne's indemnity bill, and a number of naturalization bills. The commissioners were the Lord Chancellor, Lord Walsingham, and Lord Hawkesbury.

Counsel were heard for the appellant and the respondent, in the Scotch appeal, Rochheid against Kinlock. Further hearing postponed till the next day.

The Irish sugar drawback bill, the English promissory note bill, and some private bills, were brought from the commons and read a first time.

The other bills on the table were forwarded.

Mr. Mitford from the treasury, presented an account of the expenditure for last year, and of the unfunded debt up to January 1805.

The inspector general of imports and exports presented an account of the imports for the last eighteen years, up to January last.

A gentleman from the board of customs produced the annual account from that board.

And a gentleman from the post office produced the post office account. All of which were ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

FRIDAY, MARCH 22.

The Speaker, attended by some of the members, went up to the lords, and on his return informed the house that the royal assent had been given by commission to the marine regulation bill, Lord John Thynne's indemnity bill, and some other private bills.

Mr. Johnson, from the chief secretary's office of Ireland, pursuant to a former order, presented certain accounts relative to the six per cent. import duties.

A variety of annual accounts were presented by the proper officers, and ordered to be printed.

The Chancellor of the Exchequer moved that there be laid before the house an account of the 90,473*l.* 17*s.* 6*d.* due by
John

John Fordyce, esq. ; as also copies of proposals and securities given to the lords commissioners for the payment of the same.—Ordered.

MIDDLESEX ELECTION.

Mr. Thornton rose for the purpose of fixing a day for the Middlesex ballot. He was anxious, he said, that no time should be lost. He had been looking at precedents relative to this subject, and had found that an interval of thirty-seven days was in general the practice, from the day of presenting the petition to that of making the ballot, but sometimes more, sometimes less. On this occasion there were several reasons that induced him to take a shorter period. The session was far advanced, and did not admit of much room for delay, and by far the majority of the voters besides had already been canvassed very lately, which would leave only a few subject to any new investigation—a number, he thought, not exceeding a few hundreds. He wished, however, at the same time to consult the conveniency of the house, and was ready to submit to their opinion. He concluded by proposing the 23d of April as a proper day for the ballot.

Mr. Fox was of opinion that the time proposed by the hon. gentleman was too limited, as there ought not only to be a sufficient interval between the petition and delivery of the lists, but also the necessary time between the delivering of the lists and the ballot, for the purpose of examining them, and framing the objections.

Mr. Thornton suggested that ten days might be sufficient for that purpose.

Mr. Fox said that this would render the delivery of the lists necessary on the 13th, which was too short a period, he thought, for making up the lists. At any rate, the 23d was the most hopeless day the hon. gentleman could have thought of (alluding to the Windsor installation on that day). He could have wished the hon. member to have taken up both days together.

Mr. Creevey contended that not only precedents, but reason and the nature of the thing, required a longer time, and stated that in the case of the former election, the day of the ballot, after having been fixed, had been farther put off by Mr. Mainwaring.

Mr. Thornton then moved, that the ballot be fixed for the 25th of April.

Mr. Creevey proposed as an amendment, that the 9th of May

May be substituted for the 25th of April, on which a division was called for, and the gallery was cleared.

The original motion, however, was carried without a division; and on our return to the gallery, we found the Speaker putting the question relative to the exchange of the lists, which, after some conversation between Mr. Fox and Mr. Thornton, was fixed for the 15th of April.

SUPPLEMENTARY BUDGET.

The house having resolved into a committee of ways and means, the *Chancellor of the Exchequer* rose to call their attention to certain propositions he had to submit, to cover the deficiencies in the ways and means of the year, in consequence of the decision of the house against the tax on husbandry horses. He had at the same time to propose a substitute for the duty on the exportation of salt which he had been induced not to press at the present moment. The amount of the deficiency in these two sources, was about four hundred thousand pounds. At the present advanced period of the session, which did not allow time for full inquiry as to the objects of taxation on a great scale, and which did not afford the means of fully ascertaining their amount, it was difficult to make up so large a sum without including as subjects of taxation a variety of different articles.—In selecting these articles he had, as far as the time had allowed him, fixed on those which could with the smallest injury suffer some additional taxation. These articles were under the two heads of customs and excise. Beginning with those on excise, the first article he had to mention was glass, on the different species of which he meant to raise an additional revenue of eighty thousand pounds, on a scale to be afterwards explained. The next article was bricks and tiles, which had not for a considerable period experienced any additional duty. This, he expected, would afford, at the rate of ten-pence a thousand, thirty-seven thousand pounds. An increase of the duty on auctions was the next article by which he meant the deficiency should be supplied. He proposed that, as in auctions of estates, there existed a duty of sixpence in the pound, this should be augmented in the proportion of one sixth; and as in auctions on goods the tax was now ten-pence in the pound, the increase was to be a fifth above its present amount. This he calculated would produce thirty-one thousand pounds. He was to increase the tax on coffee, which had not lately been touched by any severe burdens, to six-pence a pound above what

what it now was, from which he looked for an addition to the revenue of twenty-eight thousand pounds. On cyder and perry for sale, without at all interfering with those counties where it was the beverage of the people, he expected an additional duty of about fifteen thousand pounds. On vinegar he proposed to raise eleven thousand, and on silver and gilt wire five thousand pounds. So that on articles of excise the total amount would be two hundred and seven thousand pounds to cover the deficiency to which he had adverted in the first part of his observations. The next head of duties was customs. The first of these was on slates and stones carried coastwise, and he believed, when he reminded the house that it had always been usual to accompany a tax on tiles and bricks with one on these articles, there could be no fair objection to the addition. This addition he proposed should be twenty per cent. making about four thousand four hundred pounds. There were several other miscellaneous articles which he thought would fairly bear a tax. On barilla, oil, turpentine, and some other articles of a similar description, he thought there would be an addition of twenty-two thousand pounds. The remainder of the deficiency was to be made up by a fresh tax of two and a half per cent. on goods imported, which would produce one hundred and seventy-six thousand pounds, making, in articles of excise, customs, and importation, a total of several thousands above the existing deficiency. Having finished this brief statement, the right hon. gentleman concluded by moving the first resolution, which was agreed to. The other resolutions were then read and agreed to, *pro forma*. The house resumed, and the report was ordered for Monday.

LEGACY BILL.

The Chancellor of the Exchequer moved the order of the day for the third reading of the legacy bill.

On the question being put,

Sir Henry Mildmay declared that he thought it his duty to oppose this bill, as it operated on legacies left in the direct line. In this respect it was every way exceptionable. It was imposing a tax on the younger children of a family, and exempting the only person able to bear such a burden, he meant the heir, who does not pay a single shilling. He appealed to the justice, he appealed to the feelings, of the house, if the operation of the bill would be in this case equitable or fair. He complained of the bill also, as a measure that would fall
par-

particularly heavy on the landed part of the community, who had less frequently an opportunity of establishing the younger branches of their family during their lifetime. The hon. baronet reprobated the measure also, as it did not affect children inheriting from marriage settlement, while those whose father had not the advantages of such a settlement to enable him to provide for his younger children, came under its operation. He was concluding with moving as an amendment, that the clause relating to legacies in the direct line be omitted, when

The *Speaker* informed the hon. member that no motion of that nature could be made till the bill was read a third time, but that then he would have an opportunity.

Lord George Cavendish observed, that it would operate as a check on persons giving away property, and though there were none that reprobated more than he did the practice of giving away property to the prejudice of those to whom it properly belonged, yet there were instances when such legacies were highly proper and necessary to the discharge of the duties of humanity and gratitude. His lordship appealed to the experience of the mercantile part of the house. There were many foreigners in this country who had either made fortunes by their long industry, or inherited them from the industry of their fathers, and whose long residence here, and the habits they had acquired, had detached them from any relations on the continent. These would very naturally leave their property to the friends they had formed in this country; and it was hard, he thought, to lay such a tax on this expression of friendship. The question had not been sufficiently canvassed. He concluded, therefore, by urging the propriety of postponing the third reading, that they might have farther time to give the subject due consideration.

Mr. Spencer Stanhope said that he had a large family to provide for, but the opposition he gave the measure was disinterested and undisguised. The hon. member reprobated the tax as the most obnoxious and revolting he had ever either read or heard of. It was unfit at any time to pass. It had a direct tendency to check the first and warmest of the moral duties, and whatever was the fate of the bill, whether it passed or not, he would take care, he said, to provide for his family without paying towards it. It was his intention to divide his property among his children, and in such times as the present, it was the duty, he thought, of every man to do so. It would fall heavy, he farther contended, not only on younger chil-

dren, but on large families: also on old maids, the ill favoured, the lame, and the blind, it would fall peculiarly hard. Such a tax, if at all allowable to be raised, ought therefore to be laid out in nunneries and hospitals, that the contributors to it might have at least some asylum. The hon. member contended farther, that thousands would evade the tax, and that, therefore, it could only be a partial measure. He wished to know if it would affect the Irish funds? Many from a dislike to this tax would not provide by legacy for the younger part of their family, but leave that duty to the generosity of the eldest, and thus endanger the happiness and future peace of their family. In Scotland it must fall very heavy, as many of the estates are small, and the families generally large. He objected to it also, as it fell most severely on the man who marries and has a family, while those who have none would be less affected by its operation. The operation of this tax, he considered as still more severe when added to the income tax. A person having 250l. a year left him, would be obliged, by this means, to pay from that sum as a tax to government 80l. the first year.

The *Chancellor of the Exchequer* adverted to the different arguments that had been urged against the bill. As the house had already decided on the general principle of the bill, he did not think it necessary to go into it at so much length as otherwise he should have felt it his duty.—The noble lord opposite (Lord G. Cavendish) had objected to the clause relating to such legacies as were left to absolute strangers: but surely no part of the bill could be considered less obnoxious than that. In this case the advantage was unexpected, and it was natural to suppose that persons under this impression would part, without much reluctance, with such a portion of it as the tax required, and at any rate their claims to it must be considered much less strong than in other cases it would be. The attack which had been made on direct legacies, he conceived to have proceeded from misapprehension, or a very partial view of the subject. Much had been said of its falling heavy on the younger children of a family, but when gentlemen used this language they seemed to forget that the tax was very trifling in itself—not more than one for a hundred. Suppose a father should wish to leave to a younger child a legacy of 5000l. it would be easy for him to add 50l. to this sum for the payment of the tax, and so in proportion for any other sum, taking the addition from what would have otherwise belonged to the eldest; so that in this case the younger

younger branches of the family are completely exempted, and the tax comes from a quarter that is best able to bear it. An hon. gentleman had supposed, that in order to evade the tax a father might be induced to leave the provision of the younger part of his family to the generosity of the oldest, but of the two alternatives he thought the one he had just mentioned the most likely to be adopted. It had been objected also to the measure, that it affected the provision made for a family at the death of the father, while any settlement made during his life was exempted. The object of the measure was certainly not to affect transmissions, though the propriety of such a measure might open a wide field for discussion, but transmissions were in many instances taxed *ad valorem*. It was urged that it would fall heavy on the landed part of the community, as it might be necessary often to dispose of the legacy, in order to be able to pay the tax; but a landed proprietor might always find some savings from which he could annex to the legacy the sum necessary to pay the duty. The monied man in this respect could be at no loss, and even suppose the landed man had not the means of leaving the ready money for the purpose he had mentioned, the 50l. (he still supposed the legacy at the value of 5000l.) could be raised by insurance at not more than 30s. or 40s. a year, according to the age of the person insuring. On the whole, the right hon. gentleman did not think that the objections that had been stated, ought to make any impression on the house to the prejudice of the bill.

Mr. Grey declared himself decidedly hostile to the bill. He thought that it was a direct tax on capital; that in many cases it would fall with the severest pressure on those least able to endure it. To attach taxes directly to capital, as this tax would do, was directly to defeat enterprise, and divert the most beneficial channels of commerce. In a country like this, which depended so much on commerce, such taxes would be avoided by all considerate men. But if he objected to the bill, on this ground, he was still more averse to it in a political view. In a mixed government like this, the credit of an hereditary aristocracy could only be kept up by great possessions and extensive influence. These possessions and this influence were both attacked by the bill, which, for the first time, attached to legacies on land, as well as to personal property. Such taxes had ever been condemned by the wisest political economists. They had always been considered as evidences, when resorted to, of a declining state. He hoped and trusted that such was not yet the situation of this country; but it

was impossible for any considerate man to see such taxes introduced without a considerable degree of anxiety. The tax was one of the most glaring inequality. It was indeed a direct tax on misfortune, and calculated to aggravate affliction. Every fresh death called forth its operation; and it was impossible to say how often or to what amount it might be paid. The right hon. gentleman's argument, therefore, of the smallness of the sum to be paid, was altogether nugatory. He fully entered into all that had been said about the hardships to which it would subject a younger brother. The right hon. gentleman had said, that if their portion was in land they would not be called on to pay. This was mere evasion; for every one knew that small divisions of land were not nearly so valuable, and therefore the younger brothers would have a strong temptation to sell their shares, even at a very disadvantageous price. But the right hon. gentleman had further contended, that a small additional sum would cover the tax, and remove the difficulty complained of. What was this but in other words to say, that the land was to pay the tax, and if so, why did not the right hon. gentleman propose the tax in this direct form? He strongly condemned the bill, as establishing a monstrous difference between heirs by settlement, and heirs by birth and consanguinity. This was an objection which had great weight in his mind. It was contrary to every principle of justice to place those on a worse footing, who derived their rights from nature, than those which arose out of positive appointment. The hon. member concluded by saying that he should certainly vote for the proposed amendment.

The question was then put on the motion that the bill be read a third time, which was carried in the affirmative.

Sir H. Mildmay then proposed his amendment, the object of which was to exempt from the payment of the tax, all legacies to direct relations.

On a division, the numbers were

For the amendment	-	-	72
Against it	-	-	164
<hr/>			
Majority -	-	-	92

The bill was then passed, and ordered to the lords.—Adjourned ~~on~~ Monday.

HOUSE

HOUSE OF LORDS.

SATURDAY, MARCH 23.

Counsel was heard for the respondent in the Scotch appeal *Rochheid* against *Kinloch*. The farther hearing was postponed till Monday.

The exchequer bills' bill, sugar drawback, Irish postage, stamp, customs, excise, and spirit warehousing bills, were read a third time and passed.

The promissory note negotiation, and Irish sugar drawback bills were read a second time.

On the motion of *Lord Walsingham*, the order of the day for the summoning of their lordships to consider the propriety of suspending the standing orders 56 and 155 was read. His lordship then stated that the public service would be impeded if the bills which had now been read a second time were not passed with every possible dispatch, as they were for renewing acts about to expire. For this purpose he felt himself called on to move, that the orders by which the house was restrained from forwarding a bill through more than one step in the same day be suspended.

The *Lord Chancellor* regretted that there should be occasion for such a motion, as it was highly necessary that their lordships should have full time to consider the various provisions contained in the measures which were brought before them. He was aware, however, that there was some excuse for the delay in the present case, as, in preparing tax bills for Ireland, it was necessary that regard be had to appropriating the duties in a manner consistent with the commercial relations of the two countries. He therefore did not object to the motion, but thought himself called on to notice the irregularity of the proceeding, and to express a hope that the practice would not be recurred to in future.

The bills were then read a third time and passed.—Adjourned.

HOUSE OF LORDS.

MONDAY, MARCH 25.

Counsel were heard for the respondent, and for the appellant, in the Scotch appeal, *Rochheid* against *Kinloch*. The farther hearing was postponed till next day.

The royal assent was given by commission to the exchequer bills' bill, the sugar drawback bill, the different Irish tax bills, and

and several private bills. The commissioners were, the Lord Chancellor, the Archbishop of Canterbury, and Lord Walsingham.

IRISH CATHOLIC PETITION.

Lord Grenville, agreeably to the notice he had given on a former day, presented the petition from the Roman Catholics of Ireland, praying for relief from the disabilities under which they at present labour. He moved that the petition be read; which being accordingly done by the clerk at the table, his lordship said, that, as he had intimated on a former night, it was not his intention then to say any thing which could at all lead to a discussion on the subject contained in the petition. All he meant at present to move was, that the petition do lie on the table, it being his intention to take a future opportunity, when their lordships should have had leisure to weigh a business of so great importance, to move that the petition be taken into farther consideration, for the purpose of granting the petitioners that relief which they claimed from the justice of the house.

Lord Auckland rose, not, he said, to object to the motion of the noble lord, that the petition do lie on the table, but merely to state that when it should come on for consideration, he hoped it would receive that serious and solemn discussion which its importance to the political and religious existence of the kingdom seemed to call for. He had listened with every possible attention to the petition, and he declared himself at this moment free to confess that he could by no means concur in granting to the petitioners those privileges and immunities which they required, even taking the statements in their petition to be as they would represent them. If he at all understood the request of the petitioners it amounted to this, that while we continued to have a protestant king and a protestant church, we might have Roman catholic legislators. This was a doctrine which he was not prepared to go into. The same attachment which he had all along felt for the established government of this country in church and state, taught him that these were not times for risking any innovation or change in either. He wished the business had not been brought forward, and thought it would have been better for all parties if things had been allowed to remain as they were.

Lord Grenville assured the noble lord that so far as lay with him the business should be discussed with all that solemnity and decorum which its importance merited.

Lord

Lord Hawkesbury could by no means object to the motion of the noble lord, that the petition do lie on the table. It was the undoubted privilege of every description of the subjects of these kingdoms to state their grievances to parliament, provided they did so in becoming and decent terms. The present petition, so far as he could hear it, was so conceived, and their lordships were therefore called on to entertain it. On the merits of the petition, however, he entirely concurred with the noble lord who had spoke last but one; and if it was the intention of the noble baron opposite, to move that the petition should be taken into consideration with the view of granting the various prayers of it, he should, on receiving proper notice of the day when that business was proposed to be brought forward, be prepared to state his reasons for thinking that the desire of the petition could not be complied with.

Lord Grenville, in reference to what had fallen from the noble lord who had just sat down, as if he doubted the intention of him, (*Lord Grenville*) to move for any discussion on the petition, assured that noble lord that such was his firm determination. To do so, however, with that temper and solemnity which had been recommended by the other noble lord who had spoken, he thought it proper to delay those arguments which he had to adduce in support of the petition till its merits came fairly before their lordships. Of the time which he should propose for that discussion, he should give ample intimation to the house.

The petition was then ordered to lie on the table.

The *Duke of Norfolk* could not forbear from expressing his surprise that any noble lords, particularly one who held a high place in his majesty's councils, should have thought it proper in so important a business, and one in which so numerous a class of the inhabitants of one part of the united kingdom were interested, so far as their opinion would go, to prejudge the question before it had been fairly tried. As the petition was of considerable length, and embraced a great variety of topics, he thought it his duty to move, for the better information of their lordships, that the petition be printed. If he was not supported in his motion by any precedent in his favour, he presumed that there was no regulation of the house against what he now proposed.

The Lord Chancellor having stated that the motion was not agreeable to the practice of the house, the motion of the noble duke was negatived.

The *Duke of Clarence* said, that he had moved for their lordships

lordships being summoned for the next day, for the purpose of moving for certain additional papers relative to the naval inquiry which had been instituted by a noble earl (Darnley). As he saw that noble earl now present, he should give up to him a business which he was so well qualified to execute, and should allow his lordship to move for the necessary papers either the next day, or any other which might be more convenient for him.

Earl Darnley then moved, that the order for summoning the house for the next day be discharged, and do stand for Friday.—Ordered.

JUDGE FOX.

Lord Auckland, agreeably to notice, submitted to the house a number of motions to the effect of obtaining the opinion of the judges as to the mode of proceeding already adopted, or which ought to be followed in this case. He first moved, that certain acts of Edward III. Henry IV. &c. should be read; which being done, he then moved, that it be referred for the opinion of the judges, how far a complaint proceeding on the statement of an individual peer of that house, ought legally to be entertained by them? Whether the matter of the charges against Judge Fox amounted to high crimes and misdemeanors? Whether the house ought to proceed in entertaining that complaint; and how they ought to proceed?

The *Lord Chancellor* wished the house, with the consent of the noble lord, to postpone the consideration of the motions for eight days. He was far from being satisfied that the house had not proceeded regularly in this business; but, at the same time, he was not on the other hand ready to say that some questions, either of the nature of those suggested by the noble lord, or some others which might be formed, might not with propriety be submitted for the consideration of the judges. The question was of the highest importance, and he wished that the house should proceed with every degree of circumspection, but at the same time of respect to its own proceedings.

Lord Grenville did not object to the delay, but thought it rather surprising that such a suggestion should have come from the noble and learned lord, after what had fallen from him on a former night. The noble and learned lord, he was happy to understand, had been looking into precedents, and would find, notwithstanding what he had formerly said, that some such were to be found. His lordship then alluded to

two

two—one in the time of Lord Clarendon, when the house had proceeded as it had done in the present case, and on applying for the opinion of the judges, retraced the steps they had taken. The other was a case in the year 1693; which was also a case directly in point.

Lord Hawkesbury combated the opinion of Lord Grenville on the general principle; and maintained, that though the house might be formally wrong, it was essentially right in the mode of proceeding it had adopted.

Lord Ellenborough observed that the question of removal was not then before their lordships. But it was evident that, according to law, a judge might be removed from his office upon an address of both houses of parliament, notwithstanding it was equally clear that he could not be removed by an address of one of the two bodies of the legislature. So far he could plainly see that the address must of necessity precede the removal; but the question which was then before their lordships was, what was in point of form to precede the address? The mode of proceeding by *fiore facias* in the courts below would have been free from that admixture of passions which the consideration of a variety of circumstances might lead to in other places, but from the operation of which, he was happy to say, the courts to which he alluded were entirely free. He was very much obliged to the noble baron (Lord Grenville) for the pains which he had taken to enlighten the house upon the subject; but, though he did not know on what authority his lordship cited the case which he had mentioned to the house, he must observe that it appeared to his recollection that in some books the case was very imperfectly reported. At all events, the question which was now before the house appeared to him to be of such magnitude, and the arguments which had been urged by the noble lord had such weight upon his mind, that he thought it would be most advisable for their lordships to postpone the consideration of the question until that day se'nnight, as had been proposed by the noble and learned lord on the woolsack.

After a short explanation from Lord Grenville, the question was put and carried, that the consideration of the subject should be resumed that day se'nnight.—Adjourned.

HOUSE OF COMMONS.

MONDAY, MARCH 25.

A message from the lords stated their lordships' assent to the exchequer bills' bill, the small notes restriction bill, the

sugar drawback bill, and the following bills with respect to Ireland: The customs and excise duty bills, the stamp and postage bills, the malt and sugar drawback bills, and the spirit warehousing bill.

Mr. Stedman, from the stamp office, presented at the bar an account of the outstanding balances in the hands of the collectors of stamps. Ordered to lie on the table.

Pursuant to summons from the lords, the house attended in the house of peers, and, on their return, the speaker announced that the royal assent had been given by commission to the several public and private acts which were ready.

The Irish election regulation bill was, upon motion, withdrawn, in consequence of some irregularity, and another bill to the same purport ordered.

Mr. Fitzgerald rose, pursuant to notice, to move for leave to bring in a bill to render more easy the partition of lands subject to rights of common in Ireland. The honourable gentleman described the inconveniencies which arose from the difficulty of ascertaining the distinction belonging to that species of property, as contradistinguished from joint tenancy, coparceny, and rights in common.

Leave was given to bring in the bill.

Ordered, on the motion of the same hon. gentleman, that there should be laid before the house a copy of the patent under which the commissioners of the treasury in Ireland hold their offices. Also the sums paid to such commissioners, as salaries, &c. with copies of the warrants issued for such payments. Also a list of the persons appointed commissioners of the treasury in Ireland, distinguishing such as have been appointed to fill up vacancies, and when such vacancies have occurred. Also an account of the sums paid to such persons, of the funds from which payments have been made, and the warrants upon which they were made. Also an account of pensions and other incidental expences, arising out of vacancies among those commissioners, copies of the warrants issued for the payment of such pensions, &c. and an account of the funds upon which such payments are charged.

Mr. Huskisson presented certain accounts, pursuant to order; which were ordered to lie on the table.

WAYS AND MEANS.

Mr. Alexander brought up the report of the committee of ways and means. The several resolutions with respect to the
new

new taxes were read, and when the clerk came to that relating to the proposed tax upon auctions,

Lord Henry Petty rose, and after admitting that the other taxes proposed were as unobjectionable as under the circumstances could be well expected, animadverted on the tax just referred to as likely to bear with peculiar hardship upon a very distressed part of the people, and therefore irreconcilable with the principle which the right hon. gentleman (the Chancellor of the Exchequer) had himself laid down on a former evening. The noble lord pressed upon the consideration of the house, that auctions were already subject to a tax of from ten to twelve per cent. and that small traders, who generally disposed of their goods in that way, and distressed persons who were often obliged to have recourse to it, would be much affected by the proposed addition. He recommended an exemption in favour of such persons, on the same principle on which an exemption was granted under the property and other taxes.

The *Chancellor of the Exchequer* said, that he should not at present enter into a discussion of the merits of this proposition. He should only observe, that, if the noble lord's argument were adopted, it would be impossible to bring forward a tax that should be received; for no tax, however generally good, could be free from some particular objections. The objections, however, stated by the noble lord were not applicable to the general principle of this tax.

The resolution was agreed to.

An amendment was introduced into the resolution respecting coffee, which renders the stock of that article on hand, imported previous to the 15th instant, subject to the new tax.

Upon the resolution being read relating to the tax on cider and perry,

Mr. Baskard stated, that, according to information which he had received that day, cider was, in consequence of an alteration made by the excise in the course of the last year, raised from the nominal duty of twenty shillings to twenty-four shillings per hoghead. With the proposed addition, therefore, it would be subject to thirty-six shillings per hoghead. He hoped, however, that the new duty would not attach to the stock on hand. If it should be so proposed, he declared his intention to oppose it.

The resolution was agreed to, as were the others, and bills ordered accordingly.

CATHOLIC PETITION.

Mr. Fox—In the course of my parliamentary life I never rose to execute any duty with more satisfaction than I feel upon this occasion. Certainly I am happy in being the instrument to present a petition, which, whatever be its merits (upon which I shall make no observation at present) offers the most satisfactory proof that the great body of the Catholics of Ireland, whatever exception there may be, seek to remedy the grievances they feel by legal means; by an application to the Imperial parliament; by a mode the most constitutional and respectful that could be devised. The hon. member, after having read some part of the petition, concluded with moving for leave to bring it up, which being granted, the petition was brought up and read as follows:

“ To the right hon. and hon. the knights, citizens, and burgesses of the united kingdom of Great Britain and Ireland, in parliament assembled.

“ The humble petition of the Roman Catholics of Ireland, whose names are hereunto subscribed, on behalf of themselves, and of others his majesty’s subjects professing the Roman Catholic Religion,

“ Sheweth,

“ That your petitioners are stedfastly attached to the person, family, and government of their most gracious sovereign; that they are impressed with sentiments of affectionate gratitude for the benignant laws which have been enacted for meliorating their condition during his paternal reign; and that they contemplate, with rational and decided predilection, the admirable principles of the British constitution.

“ Your petitioners most humbly state, that they have solemnly and publicly taken the oaths prescribed by law to his majesty’s Roman Catholic subjects as tests of political and moral principles; and they confidently appeal to the sufferings which they have long endured, and the sacrifices which they still make, rather than violate their consciences (by taking oaths of a religious or spiritual import contrary to their belief), as decisive proofs of their profound and scrupulous reverence for the sacred obligation of an oath.

“ Your petitioners beg leave to represent, that, by these awful tests, they bind themselves in the presence of the All-seeing Deity, whom all classes of christians adore, “ to be faithful and bear true allegiance to their most gracious sovereign.”

“ vereign lord King George the Third, and him to defend, to
 “ the utmost of their power, against all conspiracies and at-
 “ tempts whatsoever that shall be made against his person,
 “ crown or dignity, to do their utmost endeavours to disclose
 “ and make known to his majesty and his heirs, all treasons
 “ and traitorous conspiracies which may be formed against
 “ him or them; and faithfully to maintain, support, and de-
 “ fend, to the utmost of their power, the succession to the
 “ crown in his majesty’s family, against any person or per-
 “ sons whatsoever;” that by those oaths “ they renounce
 “ and abjure obedience and allegiance unto any other per-
 “ son claiming or pretending a right to the crown of this
 “ realm; that they reject and detest, as unchristian and im-
 “ pious, to believe that it is lawful in any ways to injure any
 “ person or persons whatsoever, under pretence of their
 “ being heretics, and also that unchristian and impious prin-
 “ ciple, that no faith is to be kept with heretics; that it is no
 “ article of their faith, and that they renounce and reject,
 “ and abjure the opinion, that princes, excommunicated by
 “ the pope and council, or by any authority whatsoever, may
 “ be deposed or murdered by their subjects or by any person
 “ whatsoever; that they do not believe that the pope of
 “ Rome, or any other foreign prince, prelate, state, or
 “ potentate, hath or ought to have any temporal, or civil
 “ jurisdiction, power, superiority, or pre-eminence within
 “ this realm: that they firmly believe that no act, in itself
 “ unjust, immoral or wicked, can ever be justified or ex-
 “ cused, by or under pretence or colour that it was done for
 “ the good of the church, or in obedience to any ecclesiastical
 “ power whatsoever, and that it is not an article of the
 “ Catholic faith; neither are they thereby required to be-
 “ lieve or profess that the pope is infallible, or that they are
 “ bound to obey any order in its own nature immoral, though
 “ the pope or any ecclesiastical power should issue or direct
 “ any such order; but on the contrary they hold, that it
 “ would be simple to pay any respect or obedience thereto;
 “ that they do not believe that any sin whatsoever commit-
 “ ted by them, can be forgiven at the mere will of any pope,
 “ or of any priest, or of any person or persons whatever, but
 “ that any person who receives absolution for the same with-
 “ out a sincere sorrow for them, and a firm and sincere reso-
 “ lution to avoid future guilt and to atone to God, so far
 “ from obtaining thereby any remission of his sins, incurs the
 “ additional

“ additional guilt of violating a sacrament ;” and by the
 “ same solemn obligation, they are bound and firmly pledged
 “ to defend to the utmost of their power, the settlement and
 “ arrangement of property in their country, as established
 “ by the laws now in being ; that they have disclaimed, dis-
 “ avowed, and solemnly abjured any intention to subvert the
 “ present church establishment, for the purpose of substitut-
 “ ing a Catholic establishment in its stead ;” and they have
 also solemnly sworn “ that they will not exercise any privi-
 “ lege to which they are or may become entitled to disturb or
 “ weaken the protestant religion or protestant government in
 “ Ireland.”

“ Your petitioners most humbly beg leave to shew, that,
 however painful it is to their feelings, that it should still be
 thought necessary to exact such tests from them, (and from
 them alone of all his majesty’s subjects), they can with per-
 fect truth affirm, that the political and moral principles
 which are thereby asserted, are not only conformable to
 their opinions and habits, but are expressly inculcated by the
 religion which they profess ; and your petitioners most
 humbly trust, that the religious doctrines which permit such
 tests to be taken, will be pronounced by this honourable
 house to be entitled to a toleration, not merely partial but
 complete, under the happy constitution and government of
 this realm, and that his majesty’s Roman Catholic subjects,
 holding those principles, will be considered as subjects, upon
 whose fidelity the state may repose the firmest reliance.

“ Your petitioners further most humbly shew, that
 twenty-six years have now elapsed, since their most gracious
 sovereign, and the honourable houses of parliament in Ire-
 land, by their public and deliberate act, declared, that
 “ from the uniform, peaceable behaviour of the Roman
 “ Catholics of Ireland for a long series of years, it appeared
 “ reasonable and expedient, to relax the disabilities and in-
 “ capacities under which they laboured, and that it must
 “ tend not only to the cultivation and improvement of this
 “ kingdom, but to the prosperity and strength of all his ma-
 “ jesty’s dominions, that his majesty’s subjects of all deno-
 “ minations should enjoy the blessings of a free constitution,
 “ and should be bound to each other by mutual interest and
 “ mutual affection—a declaration, founded upon unerring
 “ principles of justice and sound policy, which still remains
 “ to be carried into full effect ;” although your petitioners are
 impressed

impressed with a belief, that the apprehensions which retarded its beneficial operation previous to the union, cannot exist in the parliament of the united kingdom.

“ For your petitioners most humbly shew, that, by virtue of divers statutes, now in force, his majesty’s Roman Catholic subjects, who form so great a proportion of the population of Ireland, and contribute so largely to the resources of the state, do yet labour under many incapacities; restraints and privations, which affect them with peculiar severity in almost every station of life; that, more especially, they are denied the capacity of sitting or voting in either of the honourable houses of parliament, the manifold evils consequent upon which incapacity, they trust it is unnecessary to unfold or enumerate to this honourable house.

“ They are disabled from holding or exercising, unless by a special dispensation, any corporate office whatsoever in the cities and towns in which they reside; they are incapacitated and disqualified from holding or exercising the offices of sheriffs and sub-sheriffs, and various offices of trust, honour, and emolument in the state, in his majesty’s military and naval service, and in the administration of the laws in this their native land.

“ Your petitioners, declining to enter into the principal detail of the many incapacities and inconveniences avowedly inflicted by those statutes upon his majesty’s Roman Catholic subjects, beg leave, however, most earnestly to solicit the attention of this honourable house to the humiliating and ignominious system of exclusion, reproach and suspicion, which those statutes generate and keep alive.

“ For your petitioners most humbly shew, that in consequence of the hostile spirit thereby sanctioned, their hopes of enjoying even the privileges which, through the benignity of their most gracious sovereign, they have been capacitated to enjoy, are nearly altogether frustrated, insomuch that they are in effect shut out from almost all the honours, dignities and offices of trust and emolument in the state; from rank and distinction in his majesty’s army and navy, and even from the lowest situations and franchises in the several cities and corporate towns throughout his majesty’s dominions.

“ And your petitioners severely feel, that this unqualified interdiction of those of their communion from all municipal stations, from the franchises of all guilds and corporations, and from the patronage and benefits annexed to those situations,

tions, is not an evil terminating in itself; for they beg leave to state, that by giving an advantage over those of their communion to others, by whom such situations are exclusively possessed, it establishes a species of qualified monopoly, universally operating in their disfavour, contrary to the spirit, and highly detrimental to the freedom of trade.

“ Your petitioners likewise severely feel, that his majesty’s Roman Catholic subjects, in consequence of their exclusion from the offices of sheriffs and sub-sheriffs, and of the hostile spirit of those statutes, do not fully enjoy certain other inestimable privileges of the British constitution, which the law has most jealously maintained and secured to their fellow-subjects.

“ Your petitioners most humbly beg leave to solicit the attention of this honourable house, to the distinction which has conceded the elective, and denies the representative franchise to one and the same class of his majesty’s subjects; which detaches from property its proportion of political power under a constitution whose vital principle is the union of the one with the other; which closes every avenue of legalised ambition against those who must be presumed to have great credit and influence amongst the mass of the population of the country; which refuses to peers of the realm all share in the legislative representation, either actual or virtual, and renders the liberal profession of the law to Roman Catholics a mere object of pecuniary traffic, despoiled of its hopes and of its honours.

“ Your petitioners further most humbly shew, that the exclusion of so numerous and efficient a portion of his majesty’s subjects as the Roman Catholics of this realm, from civil honours and offices, and from advancement in his majesty’s army and navy, actually impairs, in a very material degree, the most valuable resources of the British empire, by impeding his majesty’s general service, stifling the most honourable and powerful incentives to military and civil merit, and unnecessarily restricting the exercise of that bright prerogative of the crown, which encourages good subjects to promote the public welfare, and excites them to meritorious actions, by a well regulated distribution of public honours and rewards.

“ Your petitioners beg leave most humbly to submit, that those manifold incapacities, restraints, and privations, are absolutely repugnant to the liberal and comprehensive principles recognised by their most gracious sovereign and the
parliament

parliament of Ireland ; that they are impolitic restraints upon his majesty's royal prerogative ; that they are hurtful and vexatious to the feelings of a loyal and generous people, and that the total abolition of them will be found not only compatible with, but highly conducive to the perfect security of every establishment, religious or political, now existing in this realm.

“ For your petitioners most explicitly declare, that they do not seek or wish, in the remotest degree, to injure or encroach upon, “ the rights, privileges, immunities, possessions or revenues appertaining to the bishops and clergy “ of the protestant religion, as by law established, or to the “ churches committed to their charge, or to any of them.” The sole object of your petitioners being an equal participation, upon equal terms, with their fellow subjects, of the full benefits of the British laws and constitution.

“ Your petitioners beg leave most humbly to observe, that although they might well and justly insist upon the firm and unabated loyalty of his majesty's Roman Catholic subjects to their most gracious sovereign, their profound respect to the legislature, and their dutiful submission to the laws, yet they most especially rest their humble claims and expectations of relief, upon the clear and manifest conduciveness of the measure which they solicit, to the general and permanent tranquillity, strength, and happiness of the British empire ; and your petitioners, entertaining no doubt of its full accomplishment, from its evident justice and utility, do most solemnly assure this honourable house, that their earnest solicitude for it at this peculiar crisis, arises principally from their anxious desire to extinguish all motives to disunion, and all means of exciting discontent.

“ For your petitioners most humbly state it as their decided opinion, that the enemies of the British empire, who meditate the subjugation of Ireland, have no hopes of success, save in the disunion of its inhabitants ; and therefore it is that your petitioners are deeply anxious at this moment, that a measure should be accomplished which will annihilate the principle of religious animosity, and animate all descriptions of his majesty's subjects in an enthusiastic defence of the best constitution that has ever yet been established.

“ Your petitioners, therefore, most humbly presume to express their earnest, but respectful hope, that this honourable house will, in its wisdom and liberality, deem the several statutes now in force against them, no longer necessary to

be retained, and that his majesty's loyal and dutiful subjects professing the Roman Catholic religion, may be effectually relieved from the operation of those statutes, and that so they may be restored to the full enjoyment of the benefits of the British constitution, and to every inducement of attachment to that constitution equally and in common with their fellow subjects throughout the British empire.

"And your petitioners will ever pray."

On Mr. Fox moving that the petition should lie on the table;

Mr. Cartwright rose, and after disclaiming any intention to enter into the merits of the petition at that time, expressed his regret that the subject to which it referred should be brought forward for discussion under existing circumstances. He was sorry to hear the allusion to this topic on a former day, and whatever opinion he might entertain as to the object of the Catholics, knowing that there was to the attainment of that object an insurmountable obstacle, of which the Catholics themselves must be aware, he was surprised their advocates should press the measure until that obstacle should be removed, as they must well know that against it there was no chance of success, [*A loud cry of order! order!*]—The hon. member resumed, and observed, that he lamented much the introduction of this question at present; because, as it was a subject upon which the feelings of the people of Ireland were so much alive, he was strongly apprehensive that the discussion might produce a fermentation in that country, which, in the present circumstances of the empire, might lead to most dangerous consequences.

Mr. Fox said, that the hon. member had alluded to an insurmountable obstacle; but what that obstacle was the hon. gentleman had not mentioned. He should wait to hear, upon the discussion of the measure to which the petition referred, what the nature of that obstacle was, and then he should take occasion to state his opinion respecting it. At present he should only say, that it was his intention to appoint a day for the discussion of a proposition founded on the petition. From information received, he understood that the Irish members were for the most part at present in Ireland, upon the business of the assizes, and that they could not conveniently return for some time. It was his wish to fix upon as early a day as possible, and he should mention the

9th

9th of May; but in the course of the ensuing week he should be able to state the precise day.

Dr. Duigenan wished the hon. member would fix upon something about the 9th of May, as he meant to speak upon this question, and could not conveniently remain in this country much after the beginning of May.

Mr. Fox had no objection, for himself, to fix definitively upon the 9th of May; but was not at present able to say what day it was most convenient to appoint. The difference of two or three days would not, he fancied, be at all material.

The notice stands at present for the 9th of May.

The house resolved into a committee on the American treaty act; and, on the motion of *Mr. Rose*, the chairman was directed to move the house for leave to bring in a bill to continue and amend the act respecting our treaty of commerce, &c. with America. The house resumed, and the chairman obtained leave accordingly.

The house resolved into a committee on the order of council respecting our commercial intercourse through neutral shipping with the enemy's ports, and the chairman was directed to apply to the house for leave to bring in a bill for making valid the orders granted by his majesty's council to permit the import and export of goods, &c. to and from the ports of Spain in neutral ships. The house resumed, and leave was given to bring in the bill.

Mr. Francis, in order to accommodate gentlemen, whose presence and attention he much wished for on the discussion of the subject respecting India, of which he had given notice for Monday next, begged leave to postpone his notice to the Monday following.

Mr. Foster gave notice, that he would, on Wednesday, move for leave to bring in a bill to restrain the issue of small notes in Ireland, and also move for a bill to amend and keep in repair the stage coach roads in that country.

General Walpole announced his intention of moving for a revision of the resolution respecting the grant of a sum of money to the captors of certain ships, &c. at the harbour of Toulon, in the course of the last war.

The *Chancellor of the Exchequer* suggested to the hon. officer, that, in point of form, it was usual to mention some particular day on such notices. With respect to the resolution to which the hon. member alluded, which was in fact

an act of parliament, he could tell the hon. member that it was kept open for a considerable time, to receive applications from such as had a right to claim, and the money was now under the act in the course of distribution.

General Walpole declined to fix a day until he should receive some farther information on the subject.

Adjourned.

HOUSE OF LORDS.

TUESDAY, MARCH 26.

Counsel were heard in the appeal cause, *Rochheid v. Sir Alex. Kinlock*. To be further proceeded in that day fortnight.

The legacy duty bill and some private bills were brought up from the commons and read a first time.

The annual accounts of the London flour company were presented and laid upon the table.—Adjourned.

HOUSE OF COMMONS.

TUESDAY, MARCH 26.

Mr. Worsley, from the London flour company, presented several accounts from that body, which were ordered to be printed.

Sir John Newport gave notice that he should the next day move, that it be an instruction to the committee appointed to bring in a bill for establishing provincial asylums in Ireland, to provide for the return of annual accounts of the infirmaries and other charitable institutions.

Mr. Rose brought up the American neutral trade bill, which was read a first time, and ordered to be read a second time the next day.

Mr. Rose brought up the bill granting to aliens abroad the same privileges in the disposal of prizes as were now possessed by the natives of the united kingdom.—Read a first time, and ordered to be read a second time the next day.

The Secretary at War obtained leave to bring in a bill similar to that of last year, for increasing the rates of subsistence to be paid to innkeepers and others for quartering of troops, &c.

Mr. Huskisson brought up the additional import duty bill, and the additional excise duty bill, which were read a first time, and ordered to be read a second time the next day.

Colonel Stanley presented a petition, praying that another petition

petition from the Duke of Athol, relative to the improvements in the Isle of Man, might be brought up. The cause of its being so long delayed was, that as it applied for a grant of public money, it was necessary to obtain his majesty's consent to it.—Leave was given, the petition was brought up, read, and referred to a committee.

On the motion of Colonel Stanley, the report of the committee of inquiry in 1792 on the state of the Isle of Man, and all accounts of the revenue of the island, were ordered to be referred to the same committee. It was likewise ordered, on the motion of the honourable colonel, that an address be presented to his majesty, requesting that he would be graciously pleased to cause to be laid before the house a copy of the report of the privy council, dated 21 July 1804, on the former petition of the Duke of Athol.—The Isle of Man trade bill was directed to be printed, for the use of the members.

On the motion of Mr. Huskisson, it was ordered that the house should the next day resolve itself into a committee on the act charging duties on Spanish wines imported into Great Britain.

REDUCTION OF THE MILITIA.

On the motion of the Chancellor of the Exchequer, that the bill for reducing the militia be read a second time,

Mr. Hughes declared his unqualified disapprobation of the bill, which in his opinion was even more objectionable than the very objectionable measure of a similar tendency in the year 1799. He was surprised, when an innovation of such magnitude was proposed to the house, that no grounds were stated for its introduction; at least no grounds except such as, if they were admitted, completely contradicted all the statements that had been made by government respecting the military defence of the country. In 1799 a very strong case of immediate necessity had been made out, and even then he thought the measure involved in it a flagrant violation of faith both to the militia and to the country. At that time the militia amounted to 100,000 men, and there existed both a provisional cavalry and numerous corps of fencible infantry, while the army of the line was wasted away by service, and the sources from which it might be regularly supplied were nearly dried up. Then, for the first time, did parliament make a breach into the constitutional force of the country, by granting permission to recruit the regular regiments from the militia. The danger of such a precedent was sufficiently evinced

evinced by the bill now under the consideration of the house. Ministers had asserted that the defence act had begun vigorously to operate, and that the regular recruiting for the army was going on with spirit; if so, what necessity was there for such an obnoxious plan as the present? If it should happen that the 17,000 men expected to volunteer from the militia did not come forward, he wished to know whether the right honourable Chancellor of the Exchequer would feel himself justified in disbanding the number deficient? He rather thought not. In his humble opinion the garrison of the country, in its present state, without any reduction whatever, was by no means too strong for the circumstances of the times. Had all idea of invasion vanished? Were the fleets of France dispersed, or her armies disbanded? Was this then a moment to weaken the constitutional defence of the country, not only by lessening the number of the militia, but by sowing among the remainder the seeds of insubordination for the private, and of disgust for the officer? Whenever the act of 1799 had been mentioned in that house, and it never was mentioned unaccompanied by censure, it had been defended by ministers on the ground of the necessity of the times, and a solemn pledge had been given never to recur to the same mode of proceeding. After this open breach of faith how could we depend on any future pledge? how could we assure ourselves that when it was deemed convenient, government might not once more return to the charge, and propose a further recruiting out of 40,000 that were now allowed to exist? Under all these circumstances he should give his decided negative to the motion.

Mr. Yorke, after the most serious consideration that he had been enabled to give to the subject, was perfectly satisfied, that the general principle of the measure ought to be adopted, although he might perhaps think, that the method of carrying it into effect might admit of some modification. The advantages of the bill were so obvious, that he was astonished gentlemen should remain obstinately blind to them. The accession of such a body of men to our regular force at this critical juncture, was of such vast importance, that the strongest reasons must surely be produced, before the house would be induced to forego it. He was himself so convinced of the advantage that would be derived from the measure, that the only censure he felt disposed to express was, that it had not been brought forward at an earlier period, persuaded as he was, that the troops to be obtained by it would not be disposed of in the way in which those in 1799 had been. The honourable

able gentleman here entered into an examination of the best mode of distributing the men to be produced by the bill, and particularly insisted on the expediency of allowing 4 or 5000 of them to enter in the marines, a corps on which he passed the highest eulogium. He professed the strongest attachment to the militia service, and averred, that if this measure could be proved likely to produce any serious detriment to that service, he would be the last man to advise that a temporary advantage should be gained at such a price. The hon. gentleman opposite had asserted that the measure was unconstitutional. The words constitutional and unconstitutional were used in a variety of senses in that house. The former was frequently intended merely to mean that which was consonant to the feelings of the gentleman who uttered it, and *vice versa*, the latter was what was repugnant to those feelings; and too frequently the declaimer was utterly ignorant what was the constitution. With reference to the militia, what did the constitution say on that subject? First, that every man capable of bearing arms, when called on by legitimate authority, should come forward in defence of his country. Secondly, that a respectable militia force, under the command of men of local consequence and estimation, was essential to the safety of the realm; but not a word about the number of which that force should be composed. It was true that there existed a clause in the militia act, prohibiting the enlistment of men into the line, but surely this was subject to the interpretation which existing circumstances might require to be put upon it. On the contrary, in his opinion it would be much more advisable that a certain number from each company of every militia regiment should annually be allowed to enlist into the line. The only attempt at an argument against the reduction that he had heard was, that the feelings of the officers would be hurt by it. Every man was the best judge of his own feelings. For his part he should feel the greatest pride if any number of men in the regiment which he had the honour to command, should voluntarily offer to serve their country in a more effectual manner than they could possibly do in their present restrained situation. He had contributed all in his power to the success of the similar measure in 1799, and he had the satisfaction to reflect, that no less than 500 men volunteered from his regiment into the line, 240 of whom entered into the 20th regiment, which had ever supported the highest character for bravery and discipline. It was apprehended that the consequence of this measure would be the secession of many men

of rank and landed property from the militia service. No one could deprecate such a secession more than himself, but until he saw it, he could not believe that it would take place. In a crisis like the present he could not conceive it possible for such men to abandon the cause of their country merely because a majority of the parliament happened to differ in opinion from them on certain points. He held in his hand a circular letter, signed by thirty-two field officers of militia regiments, expressive of their disapprobation of the bill before the house. Much as he respected them, he could not help observing, that of this number eighteen were distinguished for their opposition to government, and he could not avoid thinking, that if certain arrangements had taken place which were once expected, if what was called a broad comprehensive administration had been formed, most of these gentlemen would have been of a different opinion. He trusted, therefore, that as their objections were not purely sentimental, but mixed with political feelings, the effects produced by the bill would not be so considerable as had been predicted. He had another observation to offer, which would perhaps offend both sides of the house; it was on the power to be granted by this bill to the colonel of a militia regiment, to divide it into two parts, before the volunteering should be allowed to proceed. In many cases (certainly not in his own) he thought the consequence would be the setting aside the best men; those who would be most likely to offer themselves, such as the grenadiers and light infantry; whom the colonels would not choose should be sent over to the continent to pull down a king of Lombardy. It would also be productive of great heart-burnings and discontent among themselves. In his opinion a third should be permitted to volunteer, and if they exceeded that proportion, government should be authorized to reject those whom they thought fit. The hon. gentleman concluded by expressing his earnest hope that government would not defeat our expectations of a speedy, honourable, and permanent peace, by any rash and ill-advised expeditions, of a nature unfavourable to the attainment of that great object of our present warfare.

Colonel Bastard had always imagined that parents were ready to spring to the defence of their offspring when attacked by any danger; but the present instance contradicted his experience on this subject, for although the augmented state of the militia was the child of the hon. gentleman who had just sat down, he seemed to stand up as its most determined enemy and to be bent on its destruction. The effect of the bill would,

would, he much feared, be to drive men of property and consequence out of the militia service. Should an invasion take place, he had not the slightest doubt but they would cordially unite to fight *pro aris et focis*, but he was apprehensive that nothing but the actual landing of an enemy could restore that harmony that was so desirable. For his own part, he confessed he was one of those who would be contented to see the militia remain to defend their homes, and not detached on any such Quixotic expedition as the dethroning of a king of Lombardy. If, for the mighty sum of ten guineas, for the honour and glory of being a private soldier, and for the pleasure of pulling down the king of Lombardy, men would be found willing to quit the officers under whom they had served so long, he owned that, for the credit of his country, he wished such a want of attachment should be exposed as little as possible.

Lord Temple declared that he should not have then spoken upon the subject, but for the curious scene which had been just then exhibited of a gentleman struggling to preserve some appearance of consistency in his conduct, and endeavouring to reconcile all the contradictions which might be expected to result from the influence of his different situations and his different connections. The noble lord then traced in regular succession all the proceedings of the house, from the year 1799 to the present period. In 1799 the levies from the militia were limited both as to time and place, now they were to be unlimited in both points of view. Since that period, during a time of peace, the right hon. gentleman had himself, he believed, brought forward a bill which declared, that 60,000 militia were absolutely necessary for the defence of the country; and yet now he could, as a friend to the militia service, declare, that, in a time of war, and of alleged danger of invasion, it was fit that the numbers of the constitutional defenders of the country should be immediately reduced to 40,000. The term constitutional, he contended, was most correctly applied to that description of force which was to be directed by the principal part of the landed interest of the country, and through the ranks of which there flowed the most lively expression of every local interest which could possibly attach them to the soil, or make them wish to defend it against foreign invasion. The allusions which had been made to the proceedings had in another place, and the humorous observations attempted to be made upon them, he conceived to be a faithful delineation of the feelings of the right hon. gentleman himself, in some of his different situations. The arguments, however, were so few and so futile, that he should

not think it at all incumbent on him to give them any further answer.

The *Marquis of Douglas* opposed the bill, on the ground that it was unjust in its principle, and oppressive on the landholders. The right honourable gentleman opposite (*Mr. Yorke*), who professed such tenderness for the militia, gave a proof of the delicacy of his feelings, by shewing that he had none at all. The right hon. gentleman's military apostasy was equal to his ministerial apostasy.

Mr. Yorke, though he had not the honour of knowing the noble lord, begged to remind him that urbanity and good manners were as necessary in that house as in private society.

The *Speaker* informed the noble lord that he should abstain from personalities.

The *Marquis of Douglas* apologized to the house in general if he had departed from form. He described the present bill as grating to the feelings, and destructive to the principles of the militia. He meant not merely on the ground of individual feelings, but of general injustice and departure from the constitution of the militia. He thought the measure particularly unjust with respect to Scotland, where money had been expended for 12,000, but only 6000 had been procured, and where still less regard was to be shewn to what was due to the country by this bill. Here he adverted to the report of the noble earl, who had held the command in that country some time back, having given in his resignation. It was not so much matter of surprise that the noble earl should have given up the command now, as that he should have held it so long with such insufficient means as were afforded to him. The noble earl had, however, secured the esteem of the whole country by the manner in which he had conducted himself in the command. He condemned the impolicy of diminishing the internal defence for uncertain views of foreign operation. He could not, indeed, see what means of foreign operation we possessed, when ministers themselves could not hold out to the house the assistance of a single ally. No closer relation was asserted to exist by them with any of the continental powers than that of confidential intercourse. Neither could he derive much encouragement to this measure from the scenes that had passed in the last war, nor from the expeditions for which the militia had been induced to volunteer, but over which it was better now to draw a veil.

Lord Stanley was adverse to the measure, from the riot, confusion, and insubordination it gave rise to, not only at the immediate time of carrying it into effect, but for six months before

fore and after. He thought it more consistent with the constitution of the militia to make the reduction first, and then to allow the men the option of entering into the line. He thought no necessity had been shewn in support of the measure, which, however, no circumstances could justify.

Lord Euston approved of this mode of carrying into effect immediately the reduction agreed upon last year. He agreed in the propriety of the reduction, principally on the ground of the difficulty of finding officers, the amount of which he knew from experience. The same reason existed now with the same force. He saw no reason, therefore, why the surplus over what could be found consistently with the original constitution of the militia should not be transferred to the army, if the men were willing to go. He trusted proper measures would be taken to carry the plan into execution with decorum, and to prevent its interfering with discipline.

The *Chancellor of the Exchequer* was anxious to hear the sentiments of those honourable gentlemen who were most earnest in opposition to this measure, and particularly those of his noble friend and relative opposite (*Lord Temple*). Under the mortifying difficulty of having so many of those connected with the militia against him, it was some satisfaction to him to hear the sentiments expressed by his noble friend behind him (*Lord Euston*), than whom no man was more sincerely attached to the constitution of the militia. One argument advanced against the measure was extraordinary indeed: it was said, from the merit claimed on that side for the state of the army, and the different measures adopted to increase it, no ground of necessity could now be assumed for the support of the present motion. Those who argued in this way forgot the sentiments that were maintained on that side of the house, as well as on their own, in former discussions on subjects of this nature. It had not been maintained on that side, that the army was in so formidable a state as not to require any increase. It had been contended with success, against those who asserted that the measures adopted last year had no success whatever, that great advantages had arisen from these measures; but it was admitted that they were still insufficient, and that the regular army ought still to be increased in proportion to the rest of our force. But while the hon. gentlemen imputed to them this deviation from what in fact they did not say, they totally forgot and contradicted what they did say themselves. The hon. gentlemen repeatedly urged, that the regular army was

far below its just proportion, and that this was much to be regretted. It was too hard to impute to him and his friends what they had not said, and altogether to lose sight of what they had themselves not only said, but forcibly and repeatedly insisted upon. As to the grounds of necessity of the increase of the regular army now, those who proposed the increase never said the existing regular force was sufficient. That the regular army required no increase was what he believed he should not hear from any quarter. It was said by his noble relation that there was a distinct object when the militia were permitted to volunteer in 1799. He wished to know whether the immediate object of an expedition was necessary. If the possible situation of Europe, he would not say how probable, because that would be the consideration of another time; if that situation was not sufficient cause to constitute a necessity for forming an army in time, to profit by circumstances if they should come about, the application of the word would be narrowed so as to exclude all consideration of prudence or foresight. He complimented the hon. gentleman below him (Mr. Yorke) on the manliness with which he had acted in this matter. He regretted having wanted the hon. gentleman's support last year, as much as he rejoiced at having it now; and he contended, that having opposed the measure under consideration then, was no reason why any person should not support the present measure, inasmuch that even an hon. gentleman who usually sat below (Mr. Windham) and the hon. gentleman who sat opposite, were in some measure bound to give their assent on this occasion. As to the objection that this was a violation of the constitution of the militia, it had been very properly argued in answer, that far from being a fundamental principle, the point in question in this respect was but a mere regulation. As to the charge of this being an abuse of a force instituted for defence, he thought it absurd to say that such an effect could arise from converting a part of the militia into a force, which was universally allowed to be better for defensive purposes, at the same time that it was capable of more extended services. No faith was broken with those who served by substitute. The substitute engaging first for limited service, and afterwards volunteering for general service, only became more valuable for all the purposes proposed in his enrolment; and if the immediate reduction placed those who had provided substitutes sooner under the influence of the ballot, the whole amount of the casualties to be supplied in 40,000, when

when distributed over the whole kingdom, could hardly be supposed likely very soon to affect the same persons. If the supplementary militia were kept up during the war, it was obvious that the chance of the ballot would fall much more generally and heavily. Then as to the injury to be apprehended to discipline and subordination, every measure should be taken to prevent such a mischief. The recruiting officers should be kept at as great a distance as possible. He allowed that while the measure was pending, the officers and men in the regular service would present temptations, but so far from countenancing such applications, no instructions had been sent to the regular regiments to invite the militia to volunteer. One application had been made for permission to hold out such invitations, but it had been peremptorily refused. He would venture to say further, that every thing that could be done by the military department of his majesty's government, to prevent the irregularities apprehended, would be done. It was to be recollected, that if four-fifths of the quota were ready at the time, no further demand was to be made; and that every thing had been done, and would be done, on his part, to render the measure as palatable as possible. The particular provisions might be modified in the committee; and the setting apart one half for the foundation of the reduced regiment, was a security against deterioration. As to permitting the marines to recruit from this source, he doubted the propriety of it. As to the artillery, it was to be permitted to them. With respect to the guards, it was not determined whether they should; if they were, it should not be to any extent, and with a limit as to size; but he doubted altogether, whether it would be right to open this channel of recruiting to them. The measures taken for the gradual augmentation of the regulars, had not had all the effect that could be desired or that was expected from thence, but they afforded a constant and continued supply to a considerable amount. On this ground it was desirable for the public to adopt the means of augmentation now proposed, with a view to give the utmost effect to any favourable circumstance that may arise.

Mr. Windham said that it was not to be supposed he had any objection to the increase of the troops of the line. That was an object so much in conformity with all the sentiments he had maintained, and so directly in opposition to all those which had been supported by the right hon. gentleman who moved this measure, that it was not likely he should oppose him

him in it. The right hon. gentleman was now employed in taking down a part of the building which he had been so long employed in erecting. He applauded the workman and he applauded the work. It was a satisfaction to find that the right hon. gentleman was so good-naturedly disposed to correct every thing erroneous he may have formerly established. Considering the length of time the right hon. gentleman had formerly been in power, considering he was now in power again, and that many wished him to remain in power, it would be to be lamented indeed if he adhered to every error he had fallen into. The right hon. gentleman completely relieved the house from that apprehension, for a more pointed recantation of his former principles and practice could not possibly be exhibited. It was certainly a departure from his former system only in part, for what a happy variety, it contained in it what in the sporting language was called a hedge, the effect of which was, that there was a chance the right hon. gentleman would at all events win. Here the hon. gentleman adverted to the extent to which the militia system had been from time to time carried. The English militia was increased by the addition of the supplementary; then the Scotch militia was added, and afterwards the Irish. The building was elevated by heaping story on story till it was impossible to go further. The right hon. gentleman was at that time in the militia line, he afterwards set up shop under the abolition of the ballot. He had, however, stuck to the old trade till it failed; he kept close to the ballot till its death, and he cried out its last speech in the introduction of his parish bill; this parish beauty, in coarse russet, that he had found so fascinating. The ballot had not been given up till late. It had been given up, however; it was found that it increased the bounty, and that, by its means, men were not to be had for general service. Then the right hon. gentleman set out with a general declamation against the ballot, which he at length found out was very injurious to the service. The abolition of the ballot was one step towards that negative system which he and his hon. friends had recommended, when being asked for their plan, they said it consisted merely in getting rid of all the impediments that checked the simple recruiting. To remove evils was certainly the first step towards effecting good; but the right hon. gentleman's change had not this effect. Two negatives, it was said, made an affirmative; but the right hon. gentleman's second proceeding was but a further departure from his former principles

ples and practice. His parish bill went to abolish the ballot, or at least to remove it to a considerable distance; but if that took it away, this measure gave it back; because the parish bill removed it to too great a distance, this brought it near, so as to enable him more easily to come at it. These observations went more to the author than to the measure; but though measures were to be judged of in themselves, yet a part of their credit was connected with the personal character of those from whom they proceeded, and therefore what he had said on this head was not improper nor irrelevant. The right honourable gentleman had argued, that he and those who were of opinion with him that the regular force was too small, and the militia too large, ought to support this measure. Certainly it would not be inconsistent in them to support it, but they were not therefore necessarily to do so. Though they argued that the militia should be reduced, and the regular army augmented, they were not therefore bound to approve all means whatsoever proposed for carrying these objects into effect. His objection to this measure was, that it did not produce advantage to the regulars in proportion as it did injury to the militia. The only difference was, that the number of men transferred would be applied to a more advantageous service. He allowed the service was more advantageous; but it was not trained men that the army wanted, and he put it to the regular officers, whether they would not prefer unexercised men to those disciplined militia who would never make good troops. He did not say that the militia was not in every respect equal to the regulars in training; in many instances they were accustomed to equally severe discipline, but from the nature of the service there was always something hanging about a militiaman which rendered him more untractable than was consistent with the well-being of the regular service. He did not mean in this to argue that no aid should ever be taken from the militia to the line, but never without great emergency. Another objection he had was on a broader ground, that if any general modification of our military system was to be resorted to, it would be retarded and rendered more difficult by these occasional expedients. The great defect of the present system was, that its parts were not well joined, so as to aid and co-operate with each other. The right hon. gentleman had besides overlooked another point of difference. The enlistment here proposed was for life, which was equally contrary to the general principle proposed by him, and the original

original principle of the militia. He allowed that, if necessity required, he himself would be ready to take stronger steps with respect to the militia than the present, and he considered the mitigations allowed by the right hon. gentleman, as the most convincing proofs that the necessity of the measure was not felt. He regarded these expedients so frequently varied, as the ruinous resources of a spendthrift prodigal, who, to supply the want of the moment, cuts down the young timber of his estate, which in a little time would be double its present value. It was evident the right hon. gentleman had got into a system of shifts and expedients which should be removed every six months. Thus the parish bill, which was to produce 27,000 men, of which 9000 were to be allowed to go into the regulars every year, and to be supplied again from the country, had produced about 2000, which was nearly the same proportion a tailor bore to a man (*a laugh*). Thus, instead of the full grown man that had been promised, the country should now content itself with this miserable tailor's apprentice. The house was in fact reduced to subsist upon its votes, as a noble lord had very properly expressed it on a former occasion. The house had voted the measure of last session, in the hope that it would produce recruits for the army to a great amount. The hope had failed. Now this measure was called for with similar promises, and it was unknown what other equally infallible expedient was in reserve, if the promised hope should not be fulfilled. The measure now proposed would be attended with great inconvenience, and the officers of the militia were averse to it. He took occasion to revert to the irritation with which his hints at the propriety of reducing the militia had been formerly received; and after a few further observations, concluded with expressing his disapprobation of the bill.

The question being called for, the house divided.

For the second reading	-	-	148
Against it	-	-	59

Majority	-	89
----------	---	----

The bill was then read a second time, and ordered to be committed on Thursday next.—Adjourned.

END OF VOL. I. 1805.

T. Gillat, Printer, Crown-court, Fleet-street.

LIST OF PAPERS
RELATIVE TO THE
DISCUSSION WITH SPAIN,

In 1803 and 1804,

**Presented by his Majesty's Command to both Houses
of Parliament,**

24th Jan. 2d, 4th and 6th Feb. 1805.

PART I.

- No. 1.** **EXTRACT** of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing Street, 2d June, 1803.
- No. 2.** Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Aranjuez, 3d June, 1803.
Inclosure in No. 2. Note from J. H. Frere, Esquire, to Don Pedro Cevallos, dated 3d June, 1803.
- No. 3.** Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 10th June, 1803.
1. Inclosure in No. 3. Translation of a Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated Aranjuez, 9th June, 1803.
2. Inclosure in No. 3. Note from J. H. Frere, Esquire, to Don Pedro Cevallos, dated 10th June, 1803.
- No. 4.** Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 12th September, 1803.
Inclosure in No. 4. Note from J. H. Frere, Esquire, to Don Pedro Cevallos, dated 9th September, 1803.
- No. 5.** Extract of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing Street, 24th November, 1803.
- No. 6.** Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 27th December, 1803.
1. Inclosure in No. 6. Note from J. H. Frere, Esquire, dated 13th December, 1803.
2. Inclosure in No. 6. Translation of a Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated 16th December, 1803.

3. Inclosure in No. 6. Note from J. H. Frere, Esquire, to Don Cevallos, dated 26th December, 1803.
- No. 7. Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 27th December, 1803.
- No. 8. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 27th December, 1803.
- No. 9. Extract of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing Street, 21st January, 1804.
- No. 10. Extract of a Dispatch from J. H. Frere, to Lord Hawkesbury, dated 3d March, 1804.
 1. Inclosure in No. 10. Note from J. H. Frere, Esquire, to Don Pedro Cevallos, dated 2d January, 1804.
 2. Inclosure in No. 10. Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated 13th January, 1804.
 3. Inclosure in No. 10. Note from J. H. Frere, Esquire, to Don Pedro Cevallos, dated 24th January, 1804.
 4. Inclosure in No. 10. Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated 27th January, 1804.
 5. Inclosure in No. 10. Note from J. H. Frere, Esquire, dated Madrid, 18th February, 1804.
- No. 11. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 18th April, 1804.

Inclosure in No. 11. Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated 22d March, 1804.
- No. 12. Dispatch from Lord Harrowby to J. H. Frere, Esquire, dated 22d May, 1804.
- No. 13. Dispatch from J. H. Frere, Esquire, to Lord Harrowby, dated Madrid, 5th July, 1804.
- No. 14. Dispatch from B. Frere, Esquire, to Lord Harrowby, dated Madrid, 29th August, 1804.
 1. Inclosure in No. 14. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 20th August, 1804.
 2. Inclosure in No. 14. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 27th August, 1804.

No. 15. Dispatch from Lord Harrowby to B. Frere, Esquire, dated Downing Street, 29th September, 1804.

No. 16. Extract of Dispatch from Mr. Consul General Hunter to Lord Harrowby, dated Madrid, 5th October, 1804.

1. Inclosure in No. 16. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 27th September, 1804.

2. Inclosure in No. 16. Note from Don Pedro Cevallos to B. Frere, Esquire, dated 3d October, 1804.

No. 17. Dispatch from Lord Harrowby to B. Frere, Esquire, dated Downing Street, 21st October, 1804.

No. 18. Dispatch from B. Frere, Esquire, to Lord Harrowby, dated 27th October, 1804.

Inclosure in No. 18. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 26th October, 1804.

No. 19. Dispatch from B. Frere, Esquire, to Lord Harrowby, dated 8th November, 1804.

1. Inclosure in No. 19. Translation of a Note from Don Pedro Cevallos to B. Frere, Esquire, dated 29th October, 1804.

2. Inclosure in No. 19. Translation of a Note from Don Pedro Cevallos to Don Joseph de Anduaga, dated 26th October, 1804.

3. Inclosure in No. 19. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 30th October, 1804.

4. Inclosure in No. 19. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 2d November, 1804.

5. Inclosure in No. 19. Translation of a Note from Don Pedro Cevallos to B. Frere, Esquire, dated 3d November, 1804.

6. Inclosure in No. 19. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 3d November, 1804.

7. Inclosure in No. 19. Note from B. Frere, Esquire, to Don Pedro Cevallos, dated 5th November, 1804.

8. Inclosure in No. 19. Translation of a Note from Don Pedro Cevallos to B. Frere, Esquire, dated 7th November, 1804.

No. 20. Extract of an Order from the Admiralty to Vice-Admiral Lord Nelson, dated the 18th May, 1803.

- No. 21. Extract of a Letter from Sir Evan Nepean, Bart. to Vice-Admiral Lord Nelson, K. B. dated the 13th January, 1804.
- No. 22. Order from the Admiralty to the Honourable Admiral Cornwallis, dated the 18th September, 1804.
- No. 23. Letter from W. Marsden, Esquire, to the Senior Officer of His Majesty's Ships cruising off Cadiz, dated the 19th September, 1804.
- No. 24. Letter from W. Marsden, Esquire, to the Commander in Chief in the Mediterranean, the Leeward Islands, and Jamaica, dated the 19th September, 1804.
- No. 25. Order to the Honourable Admiral Cornwallis, off Brest, dated the 25th September, 1804.
- No. 26. Order to the Senior Officer off Cadiz, dated 25th September, 1804.
- No. 27. Order to the Commander in Chief in the Mediterranean, the Leeward Islands, and Jamaica, dated the 25th September, 1804.
- No. 28. Letter from W. Marsden, Esquire, to the different Commanders in Chief of His Majesty's Ships, dated 25th November, 1804.
- No. 29. Extract of a Letter from Rear-Admiral Cochrane to W. Marsden, Esquire, dated off Ferrol, the 19th August, 1804.
- No. 30. Extract of a Letter from the Honourable Rear-Admiral Cochrane to the Honourable Admiral Cornwallis, dated off Ferrol, 3d September, 1804.
Inclosure referred to in No. 30. List of the Squadron of Spanish Men of War sitting at Ferrol.
- No. 31. Extract of a Letter from the Honourable Rear-Admiral Cochrane to W. Marsden, Esquire, dated off Ferrol, the 11th September 1804.
- No. 32. Extract of a Letter from Rear-Admiral Cochrane to the Honourable Admiral Cornwallis, dated off Ferrol, the 21st October, 1804.
- No. 33. Extract of a Letter from Rear-Admiral Cochrane to the Honourable Admiral Cornwallis, dated the 24th October, 1804.

PART II.

- No. 1. **EXTRACT** of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 10th June 1803. (Received July 31st.)

Extract of Intelligence from Bayonne, 30th May.

- No. 2. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated 6th July, 1803. (Received 3d August.)

- No. 3. Extract of a Dispatch from J. H. Frere, Esquire to Lord Hawkesbury, dated Madrid, 7th July, 1803. (Received 3d August.)

- No. 4. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 21st July, 1803. (Received 28th August.)

- No. 5. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 5th August 1803. (Received 12th September.)

- No. 6. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated 15th August, 1803. (Received 20th September.)

- No. 7. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Escorial, 9th October, 1803. (Received 9th November.)

- No. 8. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Escorial, 9th October, 1803. (Received 9th November.)

- No. 9. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Escorial, 11th October, 1803. (Received 9th November.)

- No. 10. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 7th December, 1803. (Received 30th December.)

- No. 11. Copy of a Dispatch from Lord Hawkesbury, to J. H. Frere, Esquire, dated Downing Street, 21st January, 1804.

- No. 12. Copy of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 3d March, 1804. (Received the 29th.)

Inclosure in No. 12. Copy of a Letter from J. H. Frere, Esquire, to Sir Edward Pellew, dated Madrid, 28th January, 1804.

- No. 13. Copy of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 4th March, 1804. (Received 29th March.)
- No. 14. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 5th March, 1804. (Received the 29th.)
- No. 15. Copy of a Letter from the Chevalier d'Anduaga to Lord Hawkesbury, dated 9th March, 1804.
- No. 16. Copy of a Letter from the Chevalier d'Anduaga to Lord Hawkesbury, dated 30th March, 1804.
- No. 17. Copy of a Letter from the Chevalier d'Anduaga to Lord Hawkesbury, dated 1st May, 1804.
Inclosure in No. 17. Note from Pedro Cevallos to J. H. Frere, Esquire.—
- No. 18. Extract of a Dispatch from J. H. Frere, Esquire, to Lord Harrowby, dated Madrid, 5th July, 1804. (Received 27th July.)
- No. 19. Copy of a Dispatch from Lord Harrowby to B. Frere, Esquire, dated Downing Street, 29th September, 1804.
- No. 20. Extract of a Dispatch from B. Frere, Esquire, to Lord Harrowby, dated Madrid, 12th October, 1804. Received 2d November.)
- No. 21. Letter from the Chevalier d'Anduaga to Lord Harrowby, dated Portland Place, 22d December, 1804. (Received the 23d.)
- No. 22. Copy of a Letter from George Hammond, Esquire, to J. H. Frere, Esquire, dated Downing Street, 24th December, 1804.
Inclosure referred to in No. 22. Extract of a letter from the Chevalier d'Anduaga to Lord Harrowby, dated 22d December, 1804.
- No. 23. Letter from J. H. Frere, Esquire, to George Hammond, Esquire, dated London, 24th December, 1804.
- No. 24. Extract of a Letter from Lieutenant-General Nugent to Lord Hobart, dated Jamaica, 14th January, 1804.
- No. 25. Extract of a Letter from Governor Holkett to Lord Hobart, dated Bahamas, 26th January, 1804.
Inclosure of an Extract of a Letter from St. Jago de Cuba, 8th January, 1804.

- No. 26. Extract of a Letter from Governor Halkett to Lord Hobart, dated Bahamas, 3d February, 1804. (Received 9th April.)
- No. 27. Extract of a Letter from Governor Halkett to Lord Hobart, dated Bahamas, 11th February, 1804. (Received 9th April.)
- No. 28. Extract of a Letter from Governor Halkett to Lord Hobart, dated Bahamas, 7th April, 1804. (Received 20th June.)
- No. 29. Extract of a Letter from Governor Halkett to Lord Hobart, dated Bahamas, 19th May, 1804.
- No. 30. Extract of a Letter from Lieutenant-Governor Nugent to Lord Hobart, dated Jamaica, 20th May, 1804.
Inclosure in No. 30.—Copy of a Letter from Lieutenant-Governor Nugent and Sir J. T. Duckworth to the Governor of the Havannah, dated Jamaica, 19th April, 1804.
- No. 31. Copy of an Order from Sir Edward Pellew, Baronet, to Captain Wallis, of his Majesty's Ship Naiad, dated on board the Tonnant, off the Coast of Spain, 15th August, 1803.
- No. 32. Copy of a Letter from Captain Wallis, of the Naiad, to his Majesty's acting Consul at Corunna, dated 16th August, 1803.
- No. 33. Copy of a Letter from Captain Wallis to the Captain General of Galicia, dated 16th August, 1803.
- No. 34. Copy of a Letter from P. Morrogh, Esquire, to Captain Wallis, dated 17th August, 1803.
- No. 35. Copy of a Letter from P. Morrogh, Esquire, to Captain Wallis, dated 17th August, 1803.
Translation of the Governor of Corunna's Answer to Captain Wallis's first Letter, dated Corunna, 17th August, 1803.
- No. 36. Copy of a Letter from Captain Wallis to the Captain General of Galicia, dated on board the Naiad, in Corunna, 17th August, 1803.
- No. 37. Copy of a Letter from Mr. Morrogh, acting Consul at Corunna, to Captain Wallis of the Naiad, dated 17th August, 1803.
- No. 38. Copy of a Letter from Captain Wallis, of the Naiad, to the acting Consul at Corunna, dated 17th August, 1803.

- No. 39. Copy of a Letter from Patrick Morrough, Esquire, British Consul at Corunna, to Captain James Wallis, dated 19th August, 1803.
- No. 40. Extract of a Letter from Sir Edward Pellew, Baronet, to Admiral Cornwallis, dated off Cape Prior, the 24th August, 1803.
- No. 41. Extract of a Letter from Rear Admiral Sir Robert Calder, Baronet, to Admiral Cornwallis, dated on board the Prince of Wales, off Corunna, the 12th September, 1803.
- No. 42. Extract of a Letter from Sir Edward Pellew to Admiral Cornwallis, dated 7th June, 1804.
- No. 43. Extract of Information from Sir Edward Pellew, received in Admiral Cornwallis's Letter of the 11th January, 1804.
- No. 44. Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated 14th February, 1804.
- No. 45. Copy of a Letter from Sir Edward Pellew, Baronet, to Don Diego Contador, Governor of Ferrol, dated on board the Tonnant, off Ferrol, the 16th February, 1804.
- Inclosure in No. 45. Declaration of the Officer in the Boat, inclosed in the Letter of Sir Edward Pellew, Baronet, to Don Diego Contador, Governor of Ferrol, dated on board the Tonnant, the 16th of February, 1804.
- No. 46. Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated the 19th February, 1804.
- No. 47. Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated 19th February, 1804.
- No. 48. Copy of a Letter from Sir Edward Pellew, Baronet, to Don Diego Contador, Governor of Ferrol, dated on board the Tonnant, off Ferrol, 20th February, 1804.
- No. 49. Extract of a Letter from Sir Edward Pellew, Baronet, to Admiral Cornwallis, dated on board the Tonnant, off Ferrol, 9th May, 1804.
- No. 50. Extract of a Letter from Rear-admiral Cochrane to Admiral Cornwallis, dated on board the Northumberland, off Ferrol, 15th May, 1804.

- No. 51.** Extract of a Letter from Rear-admiral Cochrane to Admiral Cornwallis, dated on board the Northumberland, near Ferrol, 23d May, 1804.

PART III.

- No. 1.** EXTRACT of a Letter from William Warre, Esquire, his Majesty's acting Consul at Porto, to Sir Evan Nepean, Baronet, dated 26th July, 1803.
- No. 2.** Naval Occurrences reported by Mr. Duff, his Majesty's Consul at Cadiz, for August, 1803.
- No. 3.** Extract of a Letter from Sir J. T. Duckworth to Sir Evan Nepean, Bart, dated Jamaica, 2d Oct. 1803.
- No. 4.** Extract of a Letter from James Duff, Esquire, his Majesty's Consul at Cadiz, to William Marsden Esquire, dated 14th October, 1803.
- No. 5.** Extract of a private Note from Mr. John Hunter, his Majesty's Consul at Madrid, dated the 22d October, 1803, to Sir Edward Pellew.
- No. 6.** Extract of a Letter from Rear Admiral Sir Edward Pellew, Baronet, dated on board his Majesty's Ship Tonnant, off Ferrol, 24th October, 1803, to the Honourable Admiral Cornwallis.
- No. 7.** Naval Occurrences for October 1803, reported by Mr. Duff.
- No. 8.** Naval Occurrences for November, 1803. Reported by Mr. Duff, his Majesty's Consul at Cadiz.
- No. 9.** Extract of a Letter from Rear Admiral Sir Edward Pellew, baronet, dated on board his Majesty's Ship Tonnant, off Ferrol, 1st December, 1803, to the Honourable Admiral Cornwallis.
- Inclosure in No. 9. Extract of Information from Sir Edward Pellew, Baronet, to the Honourable Admirable Cornwallis.
- No. 10.** Naval Occurrences for December, 1803, reported by Mr. Duff, his Majesty's Consul at, Cadiz.
- No. 11.** Copy of a Letter from Mr. James Duff, his Majesty's Consul at Cadiz, to Sir Evan Nepean, Baronet, dated the 22d December, 1803.

- No. 12. Extract of a Letter from Vice-admiral Sir J. T. Duckworth, K. B. Commander in Chief of his Majesty's Ships and Vessels at Jamaica, to Sir Evan Nepean, Bart. dated Port Royal Harbour, 15th January, 1804.
Inclosure in No. 12. Extract of a Letter dated St. Jago de Cuba, 8th January, 1804.
- No. 13. Naval Occurrences at Cadiz for January, 1804, reported by Mr. Duff, his Majesty's Consul at that place.
- No. 14. Extract of a Letter from the Honourable Admiral Cornwallis to William Marsden, Esq. dated on board the Ville de Paris, off Ushant, 15th February, 1804.
Inclosure in No. 14. State of the Naval Force in Ferrol, 15th February, 1804.
- No. 15. Copy of a Letter from Vice-admiral Sir J. T. Duckworth, dated on board his Majesty's Ship Shark, Port Royal, Jamaica, 7th March, 1804, to Sir Evan Nepean, Baronet.
- No. 16. Copy of a Letter from Vice-admiral Sir J. T. Duckworth, dated on board his Majesty's Ship Shark, Port Royal, 25th March, 1804, to Sir Evan Nepean, Baronet.
Inclosure in No. 16. Copy of a Letter from C. Lawson, to Sir Evan Nepean, Baronet.
- No. 17. Naval Occurrences, reported by Mr. Duff, his Majesty's Consul at Cadiz, for May, 1804.
- No. 18. Extract of a Letter from Rear-admiral Cochrane to Lord Melville, dated 15th June, 1804.
Inclosure in No. 18. Naval Occurrences at Seder.
- No. 19. Extract of a Letter from the Honourable Rear-admiral Cochrane to Lord Melville, dated 24th June, 1804.
- No. 20. Naval Occurrences at Cadiz for July, 1804, reported by Mr. Duff, his Majesty's Consul at that place.
- No. 21. Extract of a Letter from the Honourable Rear-admiral Cochrane to Lord Melville, dated 23d. August, 1804.
- No. 22. Naval Occurrences at Cadiz for August, 1804, reported by Mr. Duff, his Majesty's Consul at that place.
- No. 23. Extract of a Letter from Rear-admiral Cochrane to Lord Melville, dated 5th September, 1804.
Inclosure in No. 23. List of the Squadron of Spanish Ships fitting at Ferrol.
- No. 24. Extract of a Letter from the Honourable Rear-admiral Cochrane to Lord Melville, dated 11th Sept. 1804.

- No. 25. Extract of a Letter from the Honourable Rear-admiral Cochrane to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship Northumberland, off Ferrol, 19th September, 1804.
- No. 26. Extract of a Letter from the Honourable Rear-admiral Cochrane to Lord Melville, dated the 20th Sept. 1804.
- First Inclosure in No. 26. Copy of a Letter from the Honourable Rear-admiral Cochrane to the Captain-General of Marine, Ferrol, dated his Britannic Majesty's Ship Northumberland, off Ferrol 14th September, 1804.
- Second Inclosure in No. 26. Copy of a Letter from the Captain-General of Marine, at Ferrol, to the Honourable Rear-admiral Cochrane, dated 15th September, 1804.
- Third Inclosure in No. 26. Copy of Second Letter from the Captain-general of Marine at Ferrol, to Rear-admiral Cochrane, dated 15th September, 1804.
- Fourth Inclosure in No. 26. Copy of a Letter from Rear-admiral Cochrane to the Captain-general of Marine, dated his Majesty's Ship Northumberland, off Ferrol, 16th Sept. 1804.
- Fifth Inclosure in No. 26. Copy of a Letter from the Captain General of Marine to the Honourable Rear Admiral Cochrane, dated the 18th September, 1804.
- No. 27. Naval Occurrences at Cadiz, &c. for September, 1804, reported by Mr. Duff, his Majesty's Consul at that place.
- No. 28. Extract of a Letter from Captain Gore, of the Medusa, dated 5th October, 1804.
- No. 29. Copy of a Letter from Captain J. C. White to Lord Melville, dated 19th October, 1804.

PART IV.

- No. 1. COPY of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing Street, 1st October, 1802.
- No. 2. Copy of a Dispatch from Lord Hawkesbury, to J. H. Frere, Esquire, dated Downing Street, 27th October, 1802.
- No. 3. Memorandum, without Signature or Date, from the Chevalier d'Anduaga, received 29th August, 1803.

- No. 4. Memorandum, without Signature or Date, from the Chevalier d'Anduaga, received 1st September, 1803.
- No. 5. Memorandum, without Signature or Date, from the Chevalier d'Anduaga, received 1st September, 1803.
- No. 6. Extract of a Dispatch from Lord Harrowby to J. H. Frere, Esq. dated Downing Street, 11th July, 1804.
- No. 7. Copy of a Letter from the Chevalier d'Anduaga to Lord Harrowby, dated 4th November, 1804.
- No. 8. Copy of a Letter from the Chevalier d'Anduaga to Lord Harrowby, dated 11th November, 1804.
- No. 9. Copy of a Letter from W. Marsden, Esquire, to George Hammond, Esquire, dated 15th November, 1804.
- No. 10. Extract of a Letter from W. Marsden, Esquire, to George Hammond, Esquire, dated 16th November, 1804.—With inclosure.
- No. 11. Extract of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated 20th May, 1803.

P A P E R S,

&c. &c.

No. 1.

Extract of a Dispatch from Lord Hawkesbury to J. H. Frere,
Esquire, dated Downing Street, 2d June 1803.

I SHALL now proceed to signify to you his Majesty's pleasure with respect to the conduct which it will be proper for you to observe at the court at which you reside.

It is the King's sincere and earnest desire that the Spanish government may be enabled to maintain the strictest neutrality in the war which has commenced between Great Britain and France. You will therefore endeavour, by all the means in your power, to impress upon the Spanish ministers the expediency of their adopting this system; and you will assure them, that if it be adopted his Majesty will respect it with the most scrupulous good faith.

His Majesty's government having no means of deciding how far his Catholic Majesty may consider himself as bound by the treaty of defensive and offensive alliance, which was concluded at St. Ildefonso on the 19th of August, 1796, it is indispensably necessary that you should lose no time in ascertaining this important point. If the Spanish government should state to you, that they conceive themselves to be under the obligation to furnish to France the number of troops and ships which are stipulated in the treaty above mentioned, but that their co-operation will extend no further, you will refrain from giving any opinion upon this measure, but will content yourself with signifying that you will transmit the information of it to your court. You will however watch, with the most unremitting vigilance, the progress of any preparations which may be made for carrying it into execution; and you will, from time to time, transmit such intelligence as you may be able to acquire upon the subject, to the commanders of his Majesty's ships in the Mediterranean,

B

at Gibraltar, and at Lisbon, in order that those officers may be enabled to pursue such measures as may be best calculated to intercept the Spanish auxiliary ships, on their attempting to sail from the ports either of the Mediterranean or of the Atlantic; a proceeding which would be in strict conformity to the most rigid principles of neutrality, and could not be construed into an act of direct aggression against Spain herself.

If, however, you should learn from the Spanish ministers, that the French government will not be satisfied with the definite succours stipulated, but will require his Catholic Majesty to place a greater proportion of his naval and military force at the disposition of France, you will state to them, unreservedly, that his Majesty will consider a compliance with this requisition as equivalent to a declaration of war, and as justifying his Majesty in proceeding to immediate hostilities against Spain.

The next object to which his Majesty has commanded me to direct your particular attention, is the situation of Portugal. It is extremely important that you should take the earliest opportunity to desire the Spanish Government to explain to you, without reserve, their sentiments and intentions in this respect. In any conversations which you may have with the Spanish ministers upon this subject, you will observe to them, that his Majesty having consented to respect the neutrality of Portugal himself, he cannot suffer it to be molested by any other power whatsoever; he relies upon the justice and magnanimity of his Catholic Majesty that he will, neither of himself, nor in concurrence with France, carry into execution any measures which may endanger the security and independence of that country. You will, however, not conceal from the Spanish ministry, that if the King of Spain should allow the entrance of any French troops into his territories, or should not resist it by force, the King would consider it as imposing upon him the necessity of regarding the conduct of Spain as a justifiable ground of war on his part. In regard to Portugal, I have still further to signify to you his Majesty's pleasure, that you cultivate the most cordial understanding with the minister of that power at Madrid, and that you concur with him in promoting the security of her Faithful Majesty's dominions.

Having now stated to you such proceedings on the part of Spain, as would render it expedient for his Majesty to commence hostilities against that power, I have to signify to you his Majesty's pleasure, that if any of these events should

occur, you should make the strongest representations against them, and, in the case of your not receiving a satisfactory answer, you will immediately quit Madrid and proceed to Lisbon, whence you will return to England. Previously to your departure, you will apprise the officers commanding his Majesty's ships in the Mediterranean, at Lisbon, and at Gibraltar, of your intention, in order that they may proceed to hostilities against Spain without delay.

No. 2.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Aranjuez, 3d June 1803.

UPON a former occasion I had pressed the Prince of Peace to an explicit declaration of the intentions of his court, upon the ground that, under the conditions of the eighth article of the treaty of St. Ildefonso, the hostility of Spain was so inseparably connected with that of France, that Great Britain once engaged in a war with France, would be justified in commencing immediate hostilities against Spain. To this he replied, that it might appear so: but that the execution of treaties must not be considered as absolutely indispensable, but dependant upon the circumstances of the times; and with some other expressions of the same kind, seemed to wish me to understand that he did not consider the present situation of things as admitting the execution of the treaty. Upon this occasion he took a new and very perplexed ground; first, he said he wished to know the grounds of the present dispute, whether it was to be considered as the continuation of the former war, as in that case Spain would not take any part; but that if it was a new war upon new grounds, she might in that case be forced to consider the treaty as obligatory; that it was necessary therefore upon this head to know the opinion of the other powers concerned in the treaty of Amiens. He continued to say, that the King of Spain had not entered into the last war as the ally of France in virtue of that treaty. I quoted the last article, which is directed particularly against England, and which he seemed not to recollect; and seeing no end to the discussion at the time, I determined in my next conference to return to it. In my next interview, however, he anticipated me, and, on my first coming into the room, he said, "Well, it seems we are to have war." I said that I hoped that by we, he did not mean Spain and England. He

answered No; that Spain was determined to preserve her neutrality. I replied, that if they were determined upon a neutrality, it only remained for us to know whether we agreed in our idea of neutrality, and whether they would consider the granting permission for the passage of French troops as included in their definition of it. I added, that the means of guaranteeing and securing that neutrality must be concerted with Great Britain. Here he again declined entering into the discussion, and referred me to official communications with Mr. Cevallos. I accordingly prepared the enclosed note, which I confined purposely to the simple question of the interpretation of the treaty of St. Ildefonso.

(Enclosure referred to in No. 2.)

Sir,

Aranjuez, 3d June 1803.

THE present situation of affairs, being of a nature to render an explanation between our two Governments necessary, I find myself called upon to address myself directly to your Excellency, not doubting, that, in consequence of the friendly sentiments which your Excellency has already done me the honour to declare to me on the part of his Catholic Majesty, I shall find in your Excellency's explanations the same frankness which I think it my duty to employ in those which I have the honour to submit to you.

The court of Spain being connected with France by a recent treaty, which renders it liable to be called upon for its co-operation by the simple requisition of that power; your Excellency will doubtless perceive, that the literal construction of and formal adhesion to this stipulation would so identify Spain with France, (at least with regard to its hostile relations,) as to render a state of warfare with the latter, sufficient to constitute Spain in a state of hostility with the power at war with France; would even authorize that power to consider in the first instance as an enemy, a power, whose hostile efforts, depending solely on the will of a declared enemy, would only wait a convenient moment for action.

Your Excellency will do me the justice to believe, that I am far from reflecting on this idea with satisfaction, and that if I dwell upon it, it is solely in order to repeat to your Excellency in a more formal manner, the assurances which I have already had the honour to make verbally; namely, that his Majesty's Government has no intention whatever of giving such a construction in the first instance to the article of the

treaty of St. Ildefonso, or to pursue a step founded upon the reasoning, (in other respects just and conclusive,) which I have just pointed out. I would then endeavour to make your Excellency sensible, that, notwithstanding the just value I attach to the indirect declarations which your Excellency has already made me, as to the amicable and pacific intentions of his Catholic Majesty, nevertheless, in consideration of the existence of a recent and formal treaty, the stipulations of which are incompatible with the execution of the intentions which I have just quoted, it would be important and even necessary, that the British Government should receive from that of Spain a declaration, the formality and authenticity of which should be capable of removing the distrust, which her ancient connexion and existing treaties with the enemy of Great Britain might naturally inspire.

It only remains for me to express to your Excellency, the anxious solicitude with which I await your answer, and to repeat the assurances, &c. &c.

(Signed)

J. H. FRERE.

To his Excellency Don Pedro Cevallos,
&c. &c. &c.

No. 3.

Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury,
dated Madrid, 10th June, 1803.

My Lord,

HAVING detained the messenger for some days in expectation of the answer of Mr. Cevallos, I am at length enabled to forward it, though I apprehend it will appear as little satisfactory to your Lordship as it did to myself.

My first impression was to return an answer, pointing out the manner in which my question had been eluded, and repeating the statement of it in a clear and formal manner. Conceiving, however, that in the present state of things, a categorical answer, if extorted from Spain, would be less favourable than the evasive reply which I had received, and which, even supposing their intentions to be friendly, might be the utmost which they would venture to hazard, without a more explicit opening on the part of his Majesty's Government; and apprehending it to be my duty, at any rate, to exhaust all the possible means of conciliation, I returned the enclosed answer, in which, as your Lordship will see, I take

upon myself to put a favourable interpretation upon Mr. Cevallos' demand; and, as soon as I receive a copy of the official correspondence, I shall direct to him an explanation of the nature which he requires.

I have the honour to be, &c.

J. H. FRERE.

The Right Honourable Lord Hawkesbury,
&c. &c. &c.

(First enclosure in No. 3.)

Translation of a note from Don Pedro Cevallos to J. H. Frere
Esquire, dated Aranjuez, 9th June 1803.

Sir,

I HAVE received the note which you were pleased to address to me, dated the 3d instant, in which you insinuate the necessity which the present state of public affairs imposes upon your court, to require a solemn and authentic declaration of the intentions of this government, with respect to the dispute between France and England.

In answer to this note, it is my duty to say, that hitherto the King, my master, is not informed of the differences between the French and British Governments, otherwise than by the public papers, in which it is asserted, that the demands of Great Britain are not conformable to the stipulations of the treaty of Amiens, and that France has not thought herself able to subscribe to them, without the concurrence of Spain and Holland, as contracting parties, and of Austria, Russia, and Prussia, as guarantees of that treaty: that in such circumstances nothing would have been more conformable to the reciprocal relations resulting from a treaty; to the principles which constitute its force; and to the legal means of dissolving it; than that Great Britain should have explained her wishes to the King, my master, in so far at least, as being a principal in the treaty of Amiens, he is concerned in the observance of the articles which compose it. And lastly, that his Majesty being, as I have observed, in want of all official and authentic information upon the state of the negotiations, which is necessary for returning a proper answer upon the weighty question treated of in your note, he can take no resolution without this indispensable information, which you may be able to furnish me, by asking of your Government, for that

purpose, a relation of the progress and termination of the negotiation.

I profit of this opportunity, &c.

PEDRO CEVALLOS.

L. H. Frere, &c. &c.

(Second enclosure in No. 3.)

Sir,

Madrid, 10th June 1803.

I LOSE no time in answering your Excellency's note of yesterday's date.

In order not to importune your Excellency by an idle and useless discussion, it had appeared to me necessary to propose to you a previous question, resulting from the existence of the public treaties between his Catholic Majesty and the French Republic; namely, to know whether his Catholic Majesty's Government still considered itself as bound by the letter of the treaty of St. Ildefonso, and particularly by that of the eighth article, the effect of which absolutely identifies the two Governments in the event of hostilities.

Notwithstanding the confidence with which his Britannic Majesty would have submitted to his Catholic Majesty's equity, and to the discernment of his Government, so just a cause as that which involves him in the present hostilities, it would have appeared to me superfluous to lay before the court of Spain an explanation of his Majesty's motives, if indeed it was true that this court did not retain the right to demand a similar explanation from its ally, nor to act according to the decision which its own principles of justice might suggest; if, even in doing justice to the conduct of the British Government, it should nevertheless feel itself obliged to take up arms in support of a cause which it had acknowledged to be unjust.

As it is impossible that these considerations can have escaped the penetration of your Excellency, it is with real satisfaction that I perceived, by your note, that the court of Spain expects some farther explanations on the nature of the discussions which have subsisted between England and France, before it could decide on the part which it should take in the war which has terminated them. I accept it as a proof that Spain feels she still has a free choice; and, as such, I shall not delay transmitting it to my Government; not doubting, but that as soon as it shall be informed of these dispositions of his Catholic Majesty, I shall be authorised to give him the

most satisfactory explanations on the considerations which have determined his Majesty again to take up arms against France, and which cannot make any alteration in the sincere desire with which he is animated to maintain and increase more and more the bonds of friendship and good understanding already established between the two countries. And if such instructions have not yet been transmitted to me, your Excellency will feel, from what I have just mentioned, that this delay cannot be imputed, either to an unwillingness on his Britannic Majesty's part to concert with the court of Spain those measures, which he has never ceased to pursue, for the preservation of peace, or still less to a fear of not being able to justify in the eye of his Catholic Majesty the decision which he found himself at last obliged to take. Your Excellency will find the motive of it in the nature of the political relations of your court, and the impossibility therein existed of submitting to it discussions, in which its connexions with France did not permit it to have a voice, unless Spain should free herself from those laws she had imposed on herself, and should claim that right of free judgment, which a nation only loses with its Independence.

I avail myself, &c.

J. H. FRERE.

His Excellency Don Pedro Cevallos,
&c. &c. &c.

No. 4.

Dispatch from J. H. Frere, Esq. to Lord Hawkesbury, dated
Madrid, 12th September 1803.

My Lord.

THE enclosed note was sent in consequence of my being informed that General Bournonville had obtained permission for about 1500 men, between sailors and artillery-men, to pass to Ferrol, to man the ships there. I can hardly flat er myself that my remonstrance will be attended to; but I thought it useful and necessary to enter a protest against a proceeding contrary to the principles of the neutrality hitherto professed by this government, and which came so nearly within the scope of the instructions which I received from your Lordship.

I have the honour to be,

(Signed)

J. H. FRERE.

The Right Honourable Lord Hawkesbury,
&c. &c. &c.

(Inclosure in No. 4.)

9th September, 1803.

Sir,

I HAVE just received accounts, of the accuracy of which I cannot doubt, informing me of the preparations made by the Spanish Government to facilitate the passage of a considerable body of marines and artillerymen destined to reinforce the French fleet now at Ferrol.

The instructions with which my Court has furnished me for my conduct in the event of French troops entering the Spanish territory, are so clear and positive, and the present case is so analogous thereto, that I have little doubt of the light in which this proceeding will be looked upon by my Government; and at the same time that I hasten to communicate it to you, I must protest, in the most formal manner, against such a flagrant breach of the neutrality of Spain.

It would probably be superfluous, in this place, to attempt to do justice to the scrupulous respect which the officers of his Britannic Majesty have shewn for the Spanish territory, since your Excellency is already well convinced, that such is the intention of the Government under which they serve. I cannot, however, refrain from quoting a recent instance, in which, during the heat of the pursuit, and even on the very point of capturing the prize, the English fleet respected the neutrality of the Spanish coast, and permitted an enemy's frigate to take refuge in the very port; whence by means of the succours which arrive there from France, she will put to sea, for that purpose of combating the same fleet.

It has been the constant object of all my efforts, to cause this Government to feel the real interest it has in preserving the friendship and good understanding which subsists between the two Crowns. His Majesty has already proved to the whole world, by a moderation unexampled, the high price which he attaches to this system, and which he will continue to attach to it, as long as he shall see any hope of a reciprocal disposition on the part of Spain; but I dare not believe that he will see with indifference a conduct so little conformable to his own, or that he can acknowledge the neutrality of that power, whose ports shall have become, not the asylum, but the dock yards and the arsenals of his enemy.

I avail myself of this opportunity to, &c.

J. H. FRERE.

To his Excellency Don Pedro Cevallos,

&c. &c. &c.

No. 5.

Extract of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing Street, 24th November 1803.

YOUR dispatches to No. 40. inclusive have been received, and laid before the King.

I have great satisfaction in communicating to you his Majesty's entire approbation of the line of conduct which you have adopted, and the language which you have held in your different conversations with the Spanish ministers.

In the uncertainty which appears yet to prevail, whether any treaty or convention has actually been concluded between France and Spain, and what are the precise conditions of such treaty or convention, it is extremely difficult for me to give you any instructions which must not be dependant upon circumstances, of the particulars of which his Majesty is not yet correctly informed.

The preservation of peace with Spain has, from the period of the commencement of the present war, been the constant object of his Majesty's policy; but the Spanish Government must themselves feel, that this object can only be attained by their earnest endeavours to do every thing which depends upon them for the maintenance of a fair system of neutrality, and by their causing that neutrality to be respected by the other belligerent powers. When the question, therefore, occurs, how far his Majesty would consent that the Spanish Government should purchase their neutrality by an advance of pecuniary succours to the French Government, and would still regard them in the character of neutrals, this must be considered as, in some degree, depending on the amount of the succours so to be advanced, and likewise on the determination of the Spanish Government to ensure their neutrality in all other respects; for, at the time when his Majesty might be disposed to disregard any small or temporary advance of money, if essential for the attainment of such an object, it would be impossible for him to consider a permanent advance to the extent of that stated by you, in any other light than as a subsidy to the French Government, and as possibly the most effectual assistance which the Spanish Government could afford them for the prosecution of the war.

In the event of your being convinced that any arrangement of the nature alluded to by you has been concluded between

the Spanish and French Governments, or of your having reason to believe that such an arrangement, if not absolutely concluded, is likely to take place, you will conform yourself to the following instructions :

First, You will protest against the measure, as a violation of neutrality on the part of Spain, and as consequently a justifiable cause of war on the part of his Majesty.

Secondly, You will explain distinctly that his Majesty can only be induced to abstain from immediate hostilities, in consequence of such a measure, upon the consideration that it is a temporary expedient, from which the Spanish Government are determined to extricate themselves as soon as possible, and that his Majesty must be at liberty to consider a perseverance in the system of furnishing pecuniary succours to France, as, at any future period, when circumstances may render it necessary, a just cause of war.

Thirdly, His Majesty expects that the Spanish Government will persevere in their intention of refusing the admission of any French troops into the Spanish territories.

Fourthly, Any measures taken by the Spanish Government towards naval preparation, must be considered, under the present circumstances, as objects of the greatest jealousy, and any attempt to furnish naval succours to France as an immediate cause of war.

Fifthly, His Majesty has a right to expect not only that the ports of Spain should be open to the commerce of his subjects, but that his ships of war, and the ships of his subjects, shall receive the same treatment as those of his enemies.

These are the instructions which you will adopt for the regulation of your conduct. In the event of a French army entering the Spanish territories, or of authentic information being received of any naval succours being in preparation for the purpose of affording assistance to his Majesty's enemies, you will consider your mission as at an end ; and after the proper official communications, you will leave Madrid.

In the event of your being under the necessity of leaving Madrid, you will give previous notice to the commanders of his Majesty's forces in the Mediterranean, at Gibraltar, at Lisbon, and off Ferrol, that they may proceed without delay to measures of hostility.

John Hookam Frere, Esq.

No. 6.

Extract of a Dispatch from J. H. Frere, Esq. to Lord Hawkesbury, dated Madrid, 27th December, 1803.

THE instructions which I had the honour of receiving from your Lordship, by the messenger Basset, were received by me with the highest gratitude for the gracious expressions of his Majesty's approbation of my conduct; and with no less satisfaction on account of the precise and detailed rules laid down for my guidance, and their fortunate adaptation to the state of things in this country at the present juncture.

M. Cevallos had for some time answered all my representations with an air of so much satisfaction and superior information, that I was almost fearful that, in the warmth with which I had urged the several topics, which are pointed out in your Lordship's dispatch, I might have gone beyond the feeling of his Majesty's Government.

When I received your Lordship's dispatch, I made it the subject of a note to M. Cevallos as plain and short as the subject would admit, and almost entirely copied from your Lordship's instructions.

On the following day I called upon M. Cevallos, and, in speaking on the subject of the note, observed to him that I trusted he would now do justice to the intentions which had dictated the language I had formerly held to him, when he saw its precise conformity with the instructions which I had received from my court. M. Cevallos went into a long dissertation upon neutrality, and a recapitulation of the sacrifices, as he called them, which the King of Spain had made to preserve a neutrality. I answered with the obvious arguments which I do not now repeat, as they are nearly the same as those contained in a note which I have since delivered, and which your Lordship will find enclosed. M. Cevallos answered, that his Catholic Majesty had done every thing in his power to preserve a neutrality, and that if his endeavours failed it would not be his fault, but that of his Majesty's Government, who would be responsible in the eyes of Europe. To this I replied, that Europe would certainly judge which of the two Governments was in the right, and that I conceived that Great Britain had little to apprehend from such a judgment; that what he called a neutrality, was in fact a subsidy, which the French would, whenever they pleased, convert into active co-operation, by making a passage through

this country to Portugal; an event which the late convention did not provide against, and which they knew, and had been repeatedly warned, that England would consider as a breach of neutrality on the part of Spain.

After closing this part of the subject, M. Cevallos questioned me in return, and desired me to tell him positively, whether the affording the pecuniary succours to France would be considered as a ground of war, and whether I was authorized to declare it? to this I answered distinctly that I was; and that a war would be the infallible consequence. In that case, said he, his Majesty is bound by solemn treaties, which he cannot depart from; but if the pecuniary succours are themselves thought a motive for war by Great Britain, the ground of our engagement is altered. I answered, that it was not the wish of England to crush Spain, and still less to crush her in favour of France; that it could answer no purpose that Spain should exhaust herself by first furnishing a subsidy and afterwards a contingent; and that if he wished, therefore, to have a clearer and more distinct declaration than that contained in my note of the day before, I would give it him. He said, he thought that was unnecessary, that the note was strong enough.

(First Inclosure in No. 6.)

Sir,

Escorial, 13th December 1803.

I OBEY the orders which I have just received from my court, by transmitting to your Excellency, in an authentic shape, the declarations which I have frequently had the honour of making verbally, and in a manner less positive and precise.

Since the commencement of hostilities, his Majesty has never ceased to consider the preservation of good understanding with the court of Spain as a principal object of his political views. This court, indeed, has never refused to acknowledge the justice of his Majesty's intentions and good will towards it. But it is equally manifest, and the court of Spain itself cannot but admit it, that the effect of this good will, and of these intentions, must depend upon that of the efforts which Spain is bound to make on her side; in the first place, to maintain a system of absolute neutrality, and, secondly, to cause it to be respected by the other belligerent powers.

With regard to the former, his Majesty is perfectly sensible of the difficulties of the situation in which Spain is placed, as well by reason of her antient ties with France, as on account

of the character and habitual conduct of that power and of her chief. This consideration would induce him to act with forbearance to a certain degree, and particularly to overlook such pecuniary sacrifices as should not be of sufficient magnitude to force attention on account of their political effects. But it is expressly enjoined me to declare to your Excellency, that pecuniary advances, such as are stipulated in the convention recently concluded with France, cannot be considered by the British Government but as a war subsidy; a succour the most efficacious, the best adapted to the wants and to the situation of the enemy, the most prejudicial to the interests of his Britannic Majesty's subjects, and the most dangerous for his dominions; in fine, more than an equivalent to every other species of aggression.

Notwithstanding his personal sentiments, imperious necessity, and that first duty which compels a prince to consider, above and before all things, the nation whose interests are committed to his care, have prescribed to his Majesty that conduct from which he cannot depart.

With regard to the second article, that of causing this neutrality to be respected by the other belligerent powers, it appears superfluous to repeat to your Excellency the declarations which I have already made on the subject of Portugal; nevertheless, since this object is again pointed out in my last instructions, I cannot refrain from repeating to your Excellency the declaration, that the passage of French troops through the territories of Spain would be considered as a violation of her neutrality, and that his Majesty would find himself compelled to have recourse to the most decisive measures, in consequence of such an event. Such, Sir, is an abridgment of the instructions which I have just received from my court, and which I communicate nearly in the same terms. There are others, of inferior importance, upon which I shall have the honour to converse with you in the conference of to morrow.

Whilst I attach the utmost importance to these interesting subjects, it affords me much satisfaction to think that your Excellency will at length be persuaded that I have been far from exceeding the views and sentiments of my Government in the declarations which I have formerly made, and that the advice which I have thought it right, in consequence, to suggest, has been founded upon ideas sufficiently correct, and inspired by the sincerest desire of perpetuating the continuance of harmony and good understanding between the two countries.

(Signed) J. H. FRERE.

His Excellency Don Pedro Cevallos, &c. &c. &c.

(Second Inclosure in No. 6.)

Translation of a Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated Escorial, 16th December 1803.

Sir,

AS soon as the war began between France and England, Spain was required by the former power to furnish the defensive succours stipulated by the treaty of 1796, the execution of which, in as much as it is a consequence of engagements previously contracted by Spain, and a fresh proof of the King's good faith, presents in no degree an obstacle to the continuance of friendship and good understanding with Great Britain, with whom his Majesty has endeavoured to maintain them by every means of conciliation, Great Britain corresponding to the same object, by punishing the privateers who transgress the law of neutrality, according to repeated official accounts, and chiefly those of the 29th November, a later date than the expedition of the courier who has given rise to the note which you have just sent me.

Although the Spanish cabinet is penetrated with the maxim, that the idea of aiding France is compatible with that of neutrality towards England, his Majesty has thought that he could better maintain these two objects by a method, which, without being disagreeable to France, strips her neutrality towards Great Britain of that hostile exterior, which military succours necessarily present, which sometimes, in spite of friendly protestations, leads the minds of neutral sovereigns to mistrust, to the hazard of the wished for peace.

Such have been the King's political views in agreeing to a treaty of subsidy to France, equivalent to the military succour.

Neither before nor since this treaty has the Spanish Government omitted any of those means which lead to the preservation of good understanding with Great Britain, as is proved to you by the imprisonment inflicted upon the Spaniard who had dared to insult the British flag.

The British Cabinet in its conferences with the Spanish minister, has not considered that Spain violated her neutrality by the act of assisting France with the military succour stipulated for her defence.

The pecuniary aid substituted in its place, besides that it carries no hostile appearance, neither compromises the good understanding of those who are neuter, nor gives to France

such ready and expeditious means of hostility against Great Britain.

The King has employed his offices with the French Government to avoid the entry of her troops into Spain, and to calm the apprehensions of the Court of Portugal, obtaining from the First Consul that this point should become an object of negotiation between the two Governments, and his Majesty offering to co-operate with his good offices for the conclusion of a treaty which is to shelter the kingdom of Portugal from any attack; the favourable effects of which that monarchy has already begun to feel, and it is in her power to derive from it all the advantage which she desires.

In this situation of things I receive your note, which represents that Spain, in having substituted pecuniary supplies for her defensive engagements, has displeased the English Cabinet in a degree the most unexpected, under pretext that they exceed her engagements; whereas to represent them under this point of view, it would be necessary to know their amount, which is not known; or knowing it, to compare it with the expence of furnishing the defensive succours due to France.

This comparative statement of what has been hitherto executed by Spain, and the contents of your note, and what is more the contradiction which there is between the equitable and conciliatory conduct of Great Britain in sentencing to punishment the privateers, who have violated the Spanish flag, according to the accounts of the 29th November, and the alarming expressions in which your note of the 13th instant is conceived, obliges the Spanish Cabinet to require of you more clear and decisive explanations of the ideas of your Cabinet, which I hope you will be pleased to communicate to me with the dispatch which their importance demands.

(Signed) PEDRO CEVALLOS.

J. H. Frere, Esquire, &c. &c. &c.

(Third Inclosure in No. 6.)

Sir,

Madrid, 26th December, 1805.

I COMPLY with your Excellency's request, in communicating to you the explicit and decisive explanations of the ideas of my Cabinet, mentioned in my note of the 13th instant. They are nearly the same with those which I had the honor verbally to address to you in our conference on this subject. Your Excellency then remarked, and the

same observation again occurs in your note of the 16th instant, that the furnishing the succours stipulated by the treaty of 1796, being but a consequence of engagements previously contracted, is in fact only a fresh proof of the good faith of his Catholic Majesty, and can in no wise be prejudicial to the continuance of good harmony with his Britannic Majesty.

I confess to your Excellency, that without having too favorable an opinion of my own abilities, I could not nevertheless help feeling a degree of humiliation, on seeing that a person, whose judgment I infinitely respected, set so little a value on mine; and that he thought he might hazard with me a sophism, from which, if the gravity of the subject could allow of it, it would not be difficult to draw the most absurd consequences.

In fact, it remains to be known, whether a power can acquire the right of attacking another, and at the same time impose on her the obligation to abstain from every species of reprisals. It cannot surely be necessary seriously to discuss a similar question: It suffices simply to say, that such a right cannot exist; that nature and common sense reject it; that all political combinations are inadequate to bestow it; and that most certainly no nation can acquire it by an act of its own judgement, such as the signature of a treaty concluded voluntarily, and without necessity.

But, it may be asked, should not the stipulations of a treaty be complied with? I do not examine, if in the present case the stipulations of the treaty, which binds Spain to France, have not been annulled by reiterated acts of this very power. It may be granted that this treaty is of the utmost validity; it may even be admitted that it is most strictly obligatory; and that the Spanish Government is bound to execute most scrupulously all its articles; but after all these concessions, it remains for me on the other hand to remark, that this obligation is absolutely foreign to Great Britain, and that its Government is not bound to respect the execution of a treaty, to which it has been far from contributing, which has been made without its knowledge, against its consent, and even in opposition to its power. An individual who yesterday was free, enters to-day a volunteer, to-morrow he receives orders to march to the attack of a place; his honour and his engagement oblige him to fulfil his duty; but he would be in the wrong to suppose that this obligation ought to be respected by the besieged, or that it

will protect him against the natural consequences of a vigorous resistance. If in fact any misfortune should befall him, he ought to consider it solely as the consequence of the engagement he had entered into.

The same reason applies to the substitution of pecuniary subsidies, and still more strongly, if these subsidies, by their amount, or by the effect of other circumstances, become more than an equivalent for the stipulated contingent; but in the present case, France has shewn a marked eagerness to obtain this substitution; the Court of England has lately declared, in a formal manner, that it considers such a substitution as more prejudicial than would be the supplying the contingent itself. These two Governments are assuredly the best and only judges of what is conducive to their respective interests; and their opinions, so unequivocally declared, render it unnecessary for me to reply to your Excellency's arguments. There still remains one remark more to make on this subject; and your Excellency will the more readily pardon me, as it may in some degree be considered as necessary to my personal justification. When your Excellency expresses to me the surprize which the declaration I made on the 13th of this month had caused, you will allow me to call to your recollection, that this declaration merely contained the formal expression of the same ideas and of the same language which I had held on every occasion when I had the honour of speaking to you on the subject of the enormous subsidies lately demanded by France. It was perhaps natural, that your Excellency should at that time have referred to other information, rather than to verbal assurances on my part. I certainly regret it; but neither my Government nor myself can be responsible for it. With respect to that part of your Excellency's note, which says, that the British Cabinet, in its conferences with the Spanish Minister, was not of opinion that Spain infringed its neutrality by affording the stipulated succours, it appears to me no easy task to understand clearly the precise force of the expression made use of by your Excellency in the original; but if I am to understand it, as alluding to any declaration whatever on this subject on the part of his Majesty's Ministers, I will venture to take upon myself, under the most formal responsibility, to deny the existence of such a declaration.

Not to omit any thing on the several points contained in your Excellency's note, it will be necessary to say a word on the subject of Portugal. At the very commencement of

hostilities, I obeyed the orders of my Court, by declaring both to your Excellency, and to Mon Seigneur the Prince of Peace, that his Majesty, in pursuance of his alliance with the Court of Portugal, found himself obliged to consider the non-passage of the French troops through the Spanish territories as indispensable to the maintenance of the neutrality of that Court. It appears then, that in a convention, the ostensible and acknowledged design of which were to secure the tranquillity of Spain, it would have been natural to introduce an article that might secure her against a similar infraction of her neutrality; it being manifest, that such an infraction would determine the British Government no longer to consider Spain as a neutral power. On the contrary it appears, that the treaty contains only one article, by which Spain engages herself to interpose her good offices with Portugal, in order to prevail upon her also to furnish France with a subsidy against her own ally. I have just stated to your Excellency the sentiments of my Court on the granting of these subsidies by Spain, in reply to your Excellency's arguments, which dwelt solely upon the existence of prior treaties. It may therefore be permitted me to remind your Excellency, that Portugal is bound by prior treaties to furnish succours to England. That Portugal has no neutrality to purchase: That if Portugal is to conform to the system adopted by Spain, that is to say, the substitution of pecuniary succours for a contingent, these succours are due to England. If, on the contrary, her neutrality is to be purchased by furnishing succours to the enemy of her ally, as is now proposed to Portugal to do, it would thence result that Spain should likewise furnish succours to England, and not to France; if Spain should reject such a demand as an insult, she ought not to endeavour to induce Portugal to submit to it. Two opposite principles can never be admitted in two cases precisely similar. Let not insinuations, founded on a pretended disparity between the forces of the two belligerent powers, be put in opposition to this just and natural consequence! Such considerations have not been admitted by England. She has, by a solemn defiance, proved the falsehood of the vain and groundless assertion, that England was unable to cope single-handed with France. She has given this defiance. She will maintain it, or she will fall gloriously. Never will she admit the idea of an humiliating inferiority, either as the basis of her own conduct, or of her relations with foreign powers. Too well I know

the respect which is due to a great and powerful monarchy, to dwell upon injurious comparisons, especially in an official and permanent form: but your Excellency will doubtless recollect the observations which I have verbally made to you respecting the relative situations of Portugal and Spain, with regard to France and England. If I do not think it proper to repeat them on this occasion, I can assure your Excellency that I am far from concealing them, or from apprehending that they can be disavowed by my Government.

It appears to me, that the above statement will answer your Excellency's ideas: but I cannot close it without affording myself the satisfaction of rendering justice to the upright and friendly intentions of his Catholic Majesty, manifested on several occasions, and almost uniformly in your Excellency's language and conduct.

Your Excellency has likewise afforded the same testimony in favour of the principles and conduct of his Britannic Majesty's Government. Such is, unfortunately, the temper of mankind, that rivalry and hatred are not the sole motives which give rise to hostilities. Doubtless, had a national hatred, or an opposition of interests been necessary, one might have expected an uninterrupted continuance of that harmony, which is so perfectly suitable to the habits and interests of the two nations. In all cases, and under all circumstances, his Majesty will be very far from laying any thing to the charge of his Catholic Majesty's wishes, or of the intentions of his Government. He will attribute it to a fatal combination of circumstances, and to the consequence of the unfortunate engagements which have re-united a friendly power to his natural enemy.

(Signed)

J. H. FRERE.

His Excellency Don Pedro Cevallos,
&c. &c. &c.

No. 7.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 27th December, 1803.

THE reports which reach us here from other quarters, have determined me to confine myself to the strong protestation contained in the note inclosed in my former dispatch, and for the rest to watch their conduct, contenting myself with reporting it to your Lordship, unless circumstances should arise which would render my further forbearance in-

compatible with the observance of your Lordship's instructions. Since this time I have learnt that this Government have already advanced to France the eight millions of livres, and that they are on the point of furnishing a further sum of four millions. Besides this, the recruiting for the army, which had been going on briskly, has been stopped, or at least suffered to stop of itself; while a greater activity prevails in the marine department—though I conceived it my duty to make a strong remonstrance upon this head, and even to stake my continuance here, agreeably to your Lordship's instructions, upon the absolute cessation of these naval armaments.

(Signed) J. H. FRERE.

No. 8.

Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 27th December, 1803.

My Lord,

UNDER the circumstances mentioned in my dispatch of this date, I have thought it my duty to write to Lord Nelson and to Sir Edward Pellew, and likewise to his Majesty's Consuls and Proconsuls, advising them, that the situation of affairs between the two Courts was such, as to justify the apprehension of an approaching rupture.

I have the honour to be, &c.

(Signed) J. H. FRERE.

The Right Honourable Lord Hawkesbury,
&c. &c. &c.

No. 9.

Extract of a Dispatch from Lord Hawkesbury, to J. H. Frere, Esquire, dated 21st Jan. 1804.

YOUR dispatches to No. 54 inclusive, have been received and laid before the King.

His Majesty feels additional reasons (conformably to the system of policy which he has already laid down) for endeavouring to preserve the relations of peace with Spain, as long as is compatible with his honour, and a due attention to the essential interests of his dominions. The information,

however, contained in your last dispatches is not sufficient to enable his Majesty to decide how far it may be possible for him to extend his forbearance. The pecuniary succours to be afforded by Spain to France unquestionably furnish in themselves a justifiable cause of war; but considering the light in which they were explained on a former occasion, his Majesty is unwilling to proceed to extremities under the present circumstances, on this measure alone, provided he can obtain a satisfactory explanation on other points, and that he can be convinced of the sincere intention of the Spanish Government to cause their neutrality to be respected in every other particular. His Majesty's final decision, however, on this point, must depend on circumstances, of which he has not at present sufficient information to enable him to form his judgment. First, What is the purport of the other stipulations contained in the treaty between the King of Spain and the French Government? Whether any obligations are imposed by them on his Catholic Majesty, inconsistent with the rights or just pretensions of this country? Secondly, What are the extent and amount of the naval preparations in the ports of Spain, and what are the explanations given of those preparations by the Spanish Government? His Majesty certainly has a clear right to demand the fullest explanation on both these points, before he can be expected to answer the question of Monsieur Cevallos, Whether the pecuniary succours afforded by Spain to France will be made by his Majesty, the ground of war?

You will therefore state to the Spanish Government, that his Majesty conceives he has a right, before they can claim any forbearance at his hands, to a full and entire communication, in confidence, of all the engagements subsisting between the Spanish Government and that of France, (particularly of the whole of the treaty recently concluded), and of the principles upon which the Spanish Government intends to regulate its conduct, as well with respect to armaments as in all other particulars; that when the whole case is laid before his Majesty, he will be enabled to determine what conduct it may be proper for him to adopt; but that it cannot possibly be expected that his Majesty should acquiesce in one stipulation of a treaty, and that of a nature highly injurious to his interests, and submit at the same time to remain in complete ignorance of all the other stipulations it contains; that the circumstance of armaments in the ports of Spain cannot but afford to his Majesty very serious

ground of jealousy, and the greatest suspicion that the Spanish Government has in its contemplation some ulterior projects of hostility against his dominions; that an unreserved confidence on the part of the Government of Spain will not fail to be met by a reciprocal conduct on the part of his Majesty; and that whatever may be the issue of the present discussions, neither party will be in danger, by these means, of being hurried into hostilities from a misconception of the views, intentions, and engagements of the other.

I cannot too strongly recommend to you to avoid bringing these discussions to a sudden and unfavourable issue, except in the two cases stated in your former instructions, viz. the entrance of a French army into Spain, or authentic information of a naval armament being in such forward preparation, for the purpose of supporting the views of France, or for other purposes hostile to this country, as may speedily require the exertions of his Majesty's forces.

No. 10.

Extract of a Dispatch from J. H. Frere, Esq. to Lord Hawkesbury, dated Madrid, 3d March, 1804.

I HAVE endeavoured to keep up such a tone, as may enable his Majesty's Government to take whatever steps may be thought necessary or expedient, without being exposed to the reproach of abrupt or violent conduct, or of the infraction of any engagement, either directly stipulated, or which might be contended to have been implied by a tacit and continued acquiescence; in short, without losing any thing of that evident justice, which all Europe would have recognized and admitted, if the first stipulation of subsidy to France had been considered and acted upon as a ground for immediate hostilities. Being well aware how much the justice of such a case may suffer in appearance by delay, and by continued forbearance, I have endeavoured, in my correspondence with M. Cevallos, not only to show the perfect fairness of the pretensions of his Majesty's Government, but to avoid any thing like an admission of the pretended neutrality of this Court; and without pushing matters to extremity, on the one hand, or on the other, attempting to settle and trace out the present relations of the two countries. This system is rendered still more necessary, by the impossibility of obtaining from Spain any substantial pledge for her future conduct, so long, at least, as she continues to follow the same system of subordi-

nation to France. The consequence, therefore, of any explanation or understanding between the two Courts, would be only to bind his Majesty's Government gratuitously, while Spain would remain in her present state as long as the French Government might find it convenient, and would afterwards, without shame or hesitation, plead necessity as a sufficient excuse for any violation of faith which her ally might think proper to dictate.

It will be proper to mention to your lordship a circumstance, which shews the importance of attending to the first consideration which I mentioned, namely, that of the entire subordination of this country to France under its present system. When, in conformity to your lordship's instructions, I applied for a communication of the treaty, it was replied, that it was impossible; that when it was first made, the necessity of making such a communication to the British Government had been insisted upon, but that General Bournonville had positively overruled this proposal. In the course of the same conversation, when I insisted strongly upon the two points of the cessation of naval armament, and the sale of prizes, in answer to what I said upon the latter point, it was said, "Well, we must tell the French that you will not put up with it, and that it cannot be." These expressions so strongly mark, both the value which the French attach to the continuance of the present state of things with respect to Spain, and the perfect dominion which they exercise over this Government, that I cannot but conceive that, even if they stood alone, they would be a sufficient proof of the instability of any engagement with this Court, and of the disadvantage which his Majesty's Government would be exposed to by being bound to an arrangement, which the French certainly consider as, in a high degree, favourable to their own interests, and which they will find no difficulty in violating, whenever in their opinion it ceases to be so.

Of the notes, copies of which are enclosed, No. 1. was written upon a report which reached me of orders having been sent down, and of great activity prevailing in the ports, which I thought it my duty to take notice of in pretty strong terms. M. Cevallos' reply is, as your lordship will observe, in the same stile, and in his note he does not dissemble, that the preparations are made, with a view to vindicate and assert their present pretended system of neutrality. This note appeared to me, both from its substance and tone, so much like a defiance, and so impossible to be passed over, that I con-

ceived it my duty to return a very decided and peremptory reply; in which, at the same time, I took an opportunity of stating, as clearly as I was able, the evident justice of the demand which I was charged to make on the part of his Majesty's Government, concluding with a positive intimation of the immediate bad consequences which would ensue in case of a negative or unsatisfactory answer. The answer from M. Cevallos is, as your lordship will perceive, very different in tone, though in fact conceding very little, and perfectly nugatory and trifling upon the two important points, of a cessation of naval preparations, and the sale of prizes, and concluding by desiring an explanation of the intentions and views of England with respect to the present situation of Spain. In my answer, which I have framed in a correspondent tone of moderation, I avoid taking any notice of this question, and insist upon the difference between the concessions of the Spanish Government on the other points, and the demands of his Majesty, and argue them at some length, concluding with a repetition of the same intimations of the dangerous consequences to be apprehended from a perseverance in the present measures.

(First enclosure in No. 10.)

Sir,

Madrid, January 2d; 1804.

SOME time has elapsed since your Excellency's promises and the accounts I received from the ports had removed my uneasiness on the subject of the naval armaments, and even afforded the belief that their speedy cessation would remove every cause of distrust on that head. It would be superfluous to point out to your Excellency the circumstances which positively prove to his Britannic Majesty's Minister, that these armaments can have no other object than that of hostilities against the King his master, or that still more offensive one of wishing to support by a menacing attitude the system of subsidies; a system which has been already pursued, notwithstanding the remonstrances of his Britannic Majesty, wherein it is formally declared that this system is more injurious than even supplying a war contingent.

It is sometimes possible to overlook an injustice; but your Excellency too well knows that an injustice supported by a demonstration of force becomes an insult, and consequently imposes on that power, who is the object of it, the necessity of demanding satisfaction.

R

I hope, therefore, that your Excellency will enable me to make a satisfactory report to my Court, and that you will spare me the unpleasant task of announcing to you the very decisive measures which, in the contrary case, I am ordered to adopt.

I am, &c.

J. H. FRERE.

(Second enclosure in No. 10.)

Note from Don Pedro Cevallos to J. H. Frere, Esq. dated Aranjuez, 13th January, 1804.

Sir,

I HAVE received the note, which you were pleased to transmit to me on the 2d instant, requiring satisfaction upon the naval armaments which it states are making in the ports of Spain, which can have no other object than that of hostility to Great Britain, and of supporting a system of subsidy, which you assert has been adopted by this Government, notwithstanding the protests of his Britannic Majesty, wherein it has been formally declared, that such a system is held to be more injurious than the supplying a war contingent.

In answer to the above note, I must state to you, that the ideas of this Court with respect to that of London, are as pacific as I have declared them to be in all the official communications in which I have mentioned them; that the whole conduct of the Spanish Government is consonant with these ideas; that the most convincing proof of her not wishing to alter them, is the treaty of subsidy concluded with France, for the sake of avoiding any hostile attitude towards Great Britain; that the ships of war which are armed in the arsenals, were already so at the time of concluding the treaty of neutrality; and that as long as the official communications of the British Government are conceived in terms calculated to inspire apprehensions that the designs of Great Britain are not conformable to those of Spain, prudence, policy, and decorum, will require from the latter the employment of those precautions which in so many respects she owes to herself.

(Signed)

PEDRO CEVALLOS.

J. H. Frere, Esquire.

&c. &c. &c.

(Third enclosure in No. 10.)

Sir,

24th January, 1804.

AFTER having deeply reflected on the subject of your Excellency's note of the 13th instant, I find myself at last under the necessity of coming to a clear and explicit explanation.

In my note of the 13th of last month, I declared to your Excellency, by order of my Government, that the supply of pecuniary succours, such as had been stipulated by the treaty recently concluded with France, was considered his Majesty as the kind of succours the most efficacious and best adapted to the wants of the enemy, the most prejudicial to the interests of his Britannic Majesty's subjects, and the most dangerous to his dominions; in short, more than equivalent to every species of aggression.

I again repeated the same declaration, supported by arguments in detail in another note, dated the 26th, to which your Excellency has not thought proper to reply. Indeed, it was not of a nature to require an answer. Great Britain there declared, that she saw in the conduct of the Court of Spain a just motive for war; she makes no reproaches, she demands no satisfaction, she confines herself to a declaration of the wrongs she has suffered; and were she compelled to commence hostilities, she would need no other declaration than that which has already been made. Nevertheless, it is pointed out in this declaration itself, and your Excellency cannot be ignorant, that his Britannic Majesty was by no means disposed to precipitate this crisis, to which it appears that we are now approaching with hasty strides.

His Britannic Majesty, fully persuaded that this truly hostile conduct of the Court of Spain was by no means in unison with the principles and intentions of his Catholic Majesty, was desirous of listening to every admissible arrangement, in order to prolong for an indefinite term the suspension of hostilities, in the reasonable hope that the fluctuating state of the continent might at last be settled in such a manner as to secure the tranquillity of Spain, and to afford her the means of extricating herself from that situation which your Excellency is pleased to term neutrality, in order to place herself in a state of real and respectable neutrality.

This conduct is the most convincing proof of the value

which England attaches to the friendship of Spain, and of the interest which she takes in its independence. In every other view such forbearance would be absolutely inexplicable.

His Britannic Majesty, however, cannot avoid insisting upon conditions founded in justice and in reason, and which are very far from being equivalent to the advantages which Spain derives from the inaction of the British forces.

Indeed, it does not appear just, that Spain should take advantage of the good dispositions of England, to carry on against her a two-fold warfare: the first, the most prejudicial of any, by furnishing pecuniary succours to the enemy; and the second, by admitting the enemy into its ports upon a more favourable footing, by permitting the sale of prizes made by their privateers, and by encouraging the fitting of them out; and, in fine, by shewing them, on all occasions, a decided preference. Another condition, not less equitable, is that of the suspension of all farther arming in the ports of this kingdom. In every case wherein hostilities are suspended between two powers, it is invariably agreed, that they should remain in statu quo relative to their military preparations. As to England, she is neither in the intention nor under the necessity, of increasing her's; all her preparations have long since been completed; the peninsula is closely blockaded by her squadrons, whose commanders wait only orders for acting.

I have thus, Sir, without reserve, laid before you the ideas of my Government on the actual relative situation of the two countries, as well as on the principles resulting therefrom, and on the indisputable pretensions founded upon those principles. These pretensions extend to two objects; namely, the cessation of all naval armaments, and a perfect equality in the treatment shewn to the vessels and subjects of his Britannic Majesty and to those of the enemy. I must likewise inform your Excellency, that, in proposing the above conditions, I communicate the ultimate resolution of my Government, with the certainty that a negative or unsatisfactory answer would immediately produce the consequences which I have so long endeavoured to avert.

(Signed)

J. H. FRERE.

To his Excellency Don Pedro Gavallos,
&c. &c. &c.

(Fourth enclosure in No. 10.)

Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated
Aranjuez, 27th January, 1804.

Sir,

I HAVE received three notes from you, dated the 23d and 24th inst. and having given account of their contents to the King my master, I have the honour to reply to you in the following terms :

You complain that, notwithstanding our colonial system, a French privateer has received shelter in the bay of Cumana, and been permitted to sell an English vessel captured in the gulph of Paria. Although our legislation does not permit foreign ships to enter the ports of our colonies, there are certain cases, recommended by humanity and natural right, which form many exceptions to that general rule. The French privateer sheltered in Cumana will probably have found herself in some such situation; and in order to examine into the affair, and to take such measures as may be suitable to the result, his Majesty has commanded me to transmit the strictest orders to the Minister of war.

The purchase of prizes brought into neutral ports has never been looked upon as an act of hostility, or infraction of neutrality, but as a lawful speculation of the commerce of neutral nations.

The King, my master, has recognized the justice with which you claim that his Britannic Majesty's subjects should be treated throughout Spain with the same consideration as French citizens; and, since the date of the treaty of neutrality with France, has given the strictest orders to avoid every predilection, which can appear in the least degree inconsistent with our system of strict neutrality.

As soon as his Majesty had notice by his Minister in London of the occurrences which have taken place in the island of Teneriffe, which form the subject of the note which you were pleased to send me on the 24th, without waiting for the complaint contained in that note, he commanded me to transmit an order to the governor of the said island, to give satisfaction as to the charges, and information upon the acts which are attributed to him. These orders are now repeated, accompanied by the deposition of two subjects of his Britannic Majesty, which you are pleased to transmit to me, in order

that the governor's justification may correspond to each of the subjects of complaint.

You judge, with your known prudence and discretion, that these abuses, if they exist, cannot originate in orders issued by the Spanish Government, and you do it the justice to believe that it will punish them as soon as the result of its enquiries shall put it in a situation to shew its severity towards those who may have merited it.

You are pleased to transmit to me another note of the same date, in which you assure me that his Britannic Majesty, duly appreciating the principles and pacific intentions of the King, my master, has wished to lend himself to every admissible measure for the sake of prolonging the suspension of hostilities to an indefinite period; a suspension which, if indeed it is founded upon those data, will have no period, and will be as firm as are those principles which essentially constitute the policy of the King my master.

Another subject of complaint is the permission to sell prizes in our ports. I have had the honour to say in answer to another note, that the purchase of prizes is an act of authorized commerce, free from all hostility, when the permission of selling is not confined to one of the belligerent powers, but common to both.

With regard to the complaint that the French ships are received in our ports upon a more favourable footing, and that a decided preference is given to them, I have the honour to repeat to you that the orders of the King my master are confined to an equality of protection, and the most strict neutrality.

Besides these conditions for the continuance of neutrality, you demand a suspension, on the part of Spain, of all further armament in the ports of this kingdom, founding your demand upon the identity of the principle, by which, when hostilities are suspended between two powers, they are fixed in *stato quo* with regard to their military preparations. The principles which hold good in a suspension of hostilities, cannot be applied to a case of neutrality, without infringing which, a power may arm, in order to be prepared for every event, or even to preserve the neutrality which she desires.

The intentions of the Spanish Government are very far removed from all hostility. His Britannic Majesty could not do less than recognize the pacific views of the King my master; his Majesty has given irresistible proofs that he does not

desire to change them, both in the sacrifices which have been made to procure the neutrality of this kingdom, and a free and secure circulation for the commerce of his subjects; as well as in the prompt justice, which has been executed, before it was demanded, upon those of his subjects, who have forgotten the duties which the neutrality imposes.

These data being laid down, I do not find how it is possible that you should apprehend that Spain is occupying herself with further armaments, with which she may act in a sense contrary to her pacific system.

The official correspondence, by which you have endeavoured to maintain a good understanding, whilst it claims my acknowledgments, forms the glory and constitutes the essence of your mission; but you will agree with me, that your note abounds in phrases of a contradictory signification; some assure the continuation of a good understanding between the two powers, and others breed apprehensions that it may be disturbed; and this collision of security and mistrust, is a great impediment to the advantages which the King proposed to himself from his neutrality.

In order that they may be no longer thus embarrassed, I hope, Sir, that, making a due estimate of the frankness and precise and positive terms in which I have had the honour to declare to you the invariable system of the Spanish cabinet, you will in return declare to me in like terms, whether Great Britain is, as I hope, determined to continue in a good understanding with Spain during the present war with France.

(Signed) PEDRO CEVALLOS,

J. H. Frere, Esquire,
&c. &c. &c.

(Fifth enclosure in No. 10.)

Sir,

CONSIDERATIONS, on which it is at present unnecessary to dwell, have induced me to defer the execution of my instructions, as to the answer which I am to give to your Excellency's note of the 27th ult. The friendly form and the flattering personal expressions of this note, render it an infinitely painful duty to me to discharge, in representing to you the extreme difference which exists between the conditions proposed on the part of his Britannic Majesty, and those to which your Excellency has thought it right to agree. I regret it the more, from the knowledge that these proposi-

tions form the ultimatum of my Government, and that the resolutions which it has taken in this respect are not susceptible of any alteration. In fine, sir, I should absolutely despair of seeing things remain longer in their present situation, if the confidence with which the principles of his Majesty and the discernment of your Excellency inspire me, did not hold out to me the prospect, that an arrangement might possibly be made, in conformity with the demands of his Britannic Majesty, and with that justice upon which they are founded.

The naval armaments of Spain, in the actual situation of affairs, cannot fail to excite apprehensions on the part of his Britannic Majesty. The question of Louisiana being now terminated, these armaments can only have England or France for their object. Whilst the discussions with the American States still existed, it might be supposed that these preparations were for an unavowed destination. Should they still continue, it would be no longer possible to attribute them to any other motive than that which your Excellency announces, namely, a jealousy of the intentions of England, and a determination to maintain by force a state of things qualified by the name of neutrality, but to which the necessary conditions of neutrality are totally wanting. This pretension is not less injurious to the interests of England than offensive to its honour. There is another consideration still more important. His Majesty, at the same time that he does justice to the dispositions of his Catholic Majesty, and to the intentions of his ministers, cannot be blind to the influence which his enemies have obtained in this country, and the species of authority which they exercise in it. This consideration has been the motive of great forbearance on his Britannic Majesty's part, to which he would certainly not have condescended, had he imagined that the dispositions of the Court of Spain were in unison with its measures. But this same consideration must necessarily inspire his Majesty's ministers and counsellors with a just distrust of the future conduct of Spain. Your Excellency's assurances would certainly be a sufficient guarantee of the intentions and wishes of his Catholic Majesty; but unfortunately these cannot answer for the will of France, nor for the exercise of an influence which may be paramount to the former decisions of that Court. It would therefore be proper, nay, an indispensable duty, on the part of the British Government, to watch the armaments and the movements of the squadrons already equipped in the ports of this kingdom, by employing squadrons of equal force: I say, that the mi-

minister who should neglect such precautions, would render himself responsible to his country in the highest degree. Therefore, I intreat your Excellency to consider what would necessarily be the relative situation of the two countries. Spain would furnish to France those pecuniary succours which are indispensable to her carrying on an active war against England. She would moreover oblige England to support a most burthensome defensive establishment, in order to watch the squadrons which she might have equipped in her ports. I demand of you, Sir, if such a state of things is politically or morally admissible, and upon what pretence can be founded the desire that it should be tolerated by any Government? Would not this consequence necessarily result from it, that the forces which should be employed to watch the ports of Spain, would at the same time receive a commission to act? If this consequence be inevitable, the British Government holds its conduct to be more just, more frank, nay, more amicable, in representing, in the first instance as immediate, a consequence, which, although certain, might perhaps appear less striking in a more distant prospect. It is for this reason, Sir, that I am ordered to declare to you, that the system of forbearance on the part of England absolutely depends on the cessation of every naval armament within the ports of this kingdom, and that I am expressly forbidden to prolong my residence here, if unfortunately this condition should be rejected.

There is likewise another condition equally essential and indispensable. The principle upon which Great Britain has justly manifested the utmost jealousy, is the maintenance of the ancient maritime law, established for centuries, and universally acknowledged by all Christian States, until these latter days. The French Republic, finding herself cramped by the superiority of her adversary, has endeavoured to remedy that inconvenience, by destroying the ancient code, the principles of which, since they authorised the advantages resulting from a superiority of force, would necessarily appear inimical to her. She has, in consequence, endeavoured to establish two principles; the first of which, by covering the effects of a belligerent power under the safe-guard of a neutral bottom, would secure to the weaker power an efficacious protection. This principle was capable of a certain colouring of humanity and public good; since it had an immediate tendency to withdraw the property of individuals from the calamities of war, and to confine the effects of this scourge within

a narrower compass. But respect for ancient usages and a more enlightened justice have prevailed, and this innovating principle has been generally rejected. France had also need of a principle of offensive war, equally favourable to the weaker power. She trusted she had found it, in the right which she arrogated to herself of condemning and of selling her prizes in neutral ports; but as this principle is very far from having the same advantages as the preceding one, since it extends without bounds the ravages of war and the losses of individuals, it was rejected and disclaimed, more promptly and in a more formal manner. One of the most respectable powers has felt that she was obliged, in justice and in honour, to give satisfaction for the wrongs which had been occasioned by the inconsiderate admission of this principle. This power is now herself prosecuting claims at this Court, with the just confidence of being able to obtain a compensation, similar to that she thought it incumbent on her to grant. But Spain is the power of all others the most interested in the preservation of ancient principles. What, indeed, would be her situation with regard to those powers, whilst she possesses no means whatever of attacking, if, in the event of war, the ports of Jamaica, of Trinidad, and of Gibraltar, were open to their privateers? Moreover, this usage necessarily produces an infinity of abuses. Privateers are frequently the property of neutral subjects, and manned with a neutral crew. Examples of this atrocious proceeding have been proved in several instances of captures of American vessels, and even recently privateers have been fitted out at Teneriffe and at Tarifa, which could not have been on account of French individuals, who were the ostensible proprietors. It is evident, that Spain, owing to her distant and extensive possessions, would be of all powers the most liable to become responsible for the abuses of her neutrality, in case this new principle was established. She would likewise be subjected, in the event of war, to be attacked by powers whose activity, happily for her, is restricted by ancient principles; nevertheless, she is the only one who thinks she has the right and the power to infringe them. I do not suppose that your Excellency can flatter yourself, that Great Britain, having so tenaciously persisted in opposing the establishment of the first of these principles, can be disposed to admit the establishment of the second, infinitely more pernicious, more unreasonable, and which has already been rejected by every other power.

My orders on this head are equally positive with those on the subject of the armaments. I communicate them to your Excellency with that confidence which your wisdom and penetration inspire; but I must also explicitly declare, that I am not authorised to admit any modification; and that, if I am unable to obtain from your Excellency the admission of these two conditions, namely, the cessation of all armaments, and orders to stop the sale of prizes brought into the ports of this kingdom, I am to consider all negotiation as at an end, and to think only of returning to my superiors, to render an account of my mission.

(Signed) J. H. FRERE.

To his Excellency Don Pedro Cevallos;
&c. &c. &c.

No. 11.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 18th April, 1804.

I HAVE the honour of enclosing the translation of a note from Mr. Cevallos, in which he informs me that his Catholic Majesty consents to prohibit the sale of British prizes in the ports of his dominions. Your Lordship will observe that Mr. Cevallos states it as having been demanded as a condition, under which the British Government would consent to recognize the neutrality of Spain, as being consistent with the performance of the engagements of their present treaty with France. As there is nothing in any note of mine which could be brought forward as a foundation for such a conclusion, and on the contrary it is particularly and expressly guarded against, I have not thought it worth while to enter any protest in answer to Mr. Cevallos' insinuation.

The Right Honourable Lord Hawkesbury,
&c. &c. &c.

(Inclosure referred to in No. 11.)

Note from Don Pedro Cevallos to J. H. Frere, Esquire, dated Aranjuez, 22d March, 1804.

Sir,

TO answer the note which you were pleased to transmit to me on the 18th February last, upon various points relative to the neutrality of Spain in the actual occurrences of Europe

between England and France, I have taken the time which the weight and importance of a subject requires, which is so interesting to the common happiness of the subjects of both sovereigns.

In the note above mentioned, after proposing the points or bases upon which your court found the recognizance of our neutrality, and discussing wisely the consequences and advantages of each of them, you conclude with proposing definitively, by order of your Government, as the basis of this recognizance, the cessation of all armaments, and of the sale of prizes brought into the ports of this kingdom; of which definitive proposal you add, that you have no authority to admit of any modification.

As for the first point, or cessation of all armaments, I have nothing to add to what I have signified to you on several occasions, especially in my note of the 28th of January last; and the conduct of this Cabinet in the present occurrences ought to dissipate even the most remote shadow of suspicion of a hostile disposition on the part of the King my master; and I am consequently persuaded upon this point, that the wishes and demands of his Britannic Majesty are perfectly satisfied.

With regard to the cessation of the sale of prizes brought into the ports of Spain, although it was a demand susceptible of much difficulty, the pacific desires of his Majesty have been able to surmount them; and you may assure your Court, that, according to its demand, the sale of the prizes of any of the belligerent powers brought into the ports of these kingdoms will not be permitted, his Majesty having given the order, and it will be rigorously observed.

His Majesty hopes that as this prohibition is prejudicial to his interests and those of his subjects, the King of England will regard his compliance as the most efficacious proof of his desire to maintain the most perfect intelligence with his Britannic Majesty, and that an additional obligation is laid upon England, to observe towards Spain all the consideration which is due to the rectitude, good faith, generosity, and pacific views of the King my master.

(Signed) PEDRO CÉVALLOS.

To J. H. Frère, Esquire, &c. &c. &c.

No. 12.

Copy of a Letter from Lord Harrowby to J. H. Frere, Esq.
dated Downing-Street, 22d May, 1804.

Sir,

IT being extremely desirable in the present state of the political relations between this country and Spain, that his Majesty's Government should obtain the most accurate information with respect to the actual condition of the ports and arsenals of Spain, I have to signify to you the King's pleasure that you transmit to me a detailed statement, in as far as it can be procured, not only of any warlike preparations which may be carrying on in any of those ports, and of the ships of war both in commission and in ordinary, but also of the state of the royal arsenals, and of the extent of the means existing in them to increase their present naval establishment. You will likewise instruct the Consuls to endeavour to discover any measures which may have been adopted by the Spanish Government for the purpose of obtaining supplies of naval stores, the amount of such supplies, the countries from which they are to be shipped, and the manner in which they are to be conveyed to the ports of Spain. With a reference to this subject, it is also important, that his Majesty's Government should be furnished with an account of the specie imported into the ports of Spain in the course of the last year, and with an estimate of the probable amount of the shipments of the present year, as well as with information of the periods at which they may be expected to arrive in Europe.

I am, &c.

(Signed)

HARROWBY.

To J. H. Frere, Esquire,
&c. &c. &c.

No. 13.

Copy of a Dispatch from J. H. Frere, Esquire, to Lord Harrowby, dated Madrid, 5th July, 1804.

My Lord,

I HAVE to acknowledge the receipt of your Lordship's dispatch, No. 1, of the 22d May; and though there has not yet been time to satisfy the enquiries which your Lordship

directs me to make, yet your Lordship will see from the tenour of my other letters of this date, that there can be no reason to apprehend that this Court are disposed to renounce their present system of nominal neutrality; and I should apprehend that the French Government are as little disposed, for the sake of a momentary assistance, to exchange an useful tributary for a burdensome ally. The accounts which I receive from the ports do not indicate any preparation on the part of this Government, and Mr. Cevallos's language is in the same tone as before, speaking of the neutrality of this country as a thing settled and admitted, and seeming to wish to lead me on to similar language. Thus when I thought it my duty to question him respecting the situation of the ports, saying that though I had no reason to believe that any preparations were going on, yet that I had learnt that some reports to that effect were in circulation, and that I wished to be able to explain to my Government the ground and origin of such reports; he replied, that they were wholly without foundation; that the British Government had insisted upon the non-armament as one of the conditions of neutrality; that he had informed me in an official note that Spain consented to desist from any further armament; that she had done so; and that every thing remained at this moment upon the same footing. I then questioned him upon the subject of Mr. Lebrun's mission, respecting which he did not seem disposed to give me any explanation.

The object of this mission still remains unknown, though, from the circumstance of Mr. Lebrun's having visited the port of Ferrol in his way, and being himself a naval officer, there can be little doubt of its being connected with some maritime project.

I have the honour to be, &c.

J. H. FRERE.

No. 14.

Copy of a Dispatch from B. Frere, Esquire, to Lord Harrowby, dated Madrid, 29th August, 1804.

My Lord,

HAVING been informed by Admiral Cochrane of the arrival of reinforcements through Spain to the French fleet at Ferrol, I wrote to Mr. Cevallos the note of which the inclosed is a copy; and after some days having received no an-

swer, and having learnt positively from other quarters, the passage of such reinforcements through the Spanish territory, I made a second application to Mr. Cevallos upon the subject. He has as yet returned me no answer, and I think it right not to wait any longer for his explanation, before I acquaint your Lordship with the circumstance; more especially since there being no doubt of the fact complained of, no very satisfactory explanation can be expected.

I have the honour to be, &c.

(Signed)

B. FRERE.

The right honourable Lord Harrowby,
&c. &c. &c.

(First enclosure in No. 14.)

Sir,

THE captain general of Galicia will not have failed to communicate to your Excellency the representations which have been made to him by the commander in chief of his Britannic Majesty's fleet stationed off Ferrol, with regard to the reinforcements of soldiers and sailors who traverse Spain, in order to reach the French squadron now in that port. Admiral Cochrane on his side, has transmitted to me his correspondence; and although I should have desired to be enabled to verify with more precision what foundation there might be for these complaints, before I laid them officially before your Excellency, I have thought it more conformable to the dispositions of my Government, to endeavour to prevent, by remonstrances, which may be premature, an act so decidedly hostile to England, than to risk being under that still more painful necessity which the certainty of its having been performed would impose upon me. I will also confess to your Excellency, that the private information I possess on the passage of French soldiers from Malaga to Ferrol, has seemed to me to confirm the other accounts which have been given to Admiral Cochrane. And it is possible that, as this Government did not oppose this indirect violation of its territory, France may have been encouraged to try a still more open and flagrant one, by obtaining a passage through Spain for troops going from France itself, in order to reinforce its squadron at Ferrol.

As the commander in chief, in communicating to me his correspondence with the captain general of Galicia, informs me, that he at the same time transmitted it to his Government, I hope that your Excellency will soon enable me to

quiet the uneasiness which they must feel from the project in question, by giving me the assurance that efficacious measures have been taken to prevent its being carried into execution.

(Signed)

B. FRERE.

To his Excellency Don Pedro Cevallos,
&c. &c. &c.

(Second enclosure in No. 14.)

Sir,

I FLATTER myself, that your Excellency will not blame my impatience to receive some satisfactory answer on the subject of my note of the 20th of this month. I have since that day received authentic accounts of the passage of several small detachments of Frenchmen going to Ferrol; and I believe that this circumstance is not at this moment unknown to his Catholic Majesty's Government; but in any case, should they think proper to make enquiries into the fact, it would afford some satisfaction to me, to receive, in the mean while, your Excellency's assurance, that measures were already taken to put a stop to this abuse, of the continuance of which, the Spanish Government must henceforward charge itself with the consequences.

(Signed)

B. FRERE.

To his Excellency Don Pedro Cevallos,
&c. &c. &c.

No. 15.

Copy of a Dispatch from Lord Harrowby to B. Frere Esq. dated
Downing Street, 29th September, 1804.

Sir,

INFORMATION has been received from Rear Admiral Cochrane, that orders have been given by the court of Madrid, for arming without loss of time at Ferrol four ships of the line, two frigates, and other smaller vessels; that similar orders have been given at Carthagena and Cadiz; and particularly that three first rate ships of the line are directed to sail from the last mentioned port: and as an additional proof of hostile intentions, that orders have been given to the packets to arm as in time of war.

In consequence of this information, I am commanded to signify to you his Majesty's pleasure, that, as soon as you

receive this dispatch, you should request an audience of M. de Cevallos.

You will express to him the surprise and concern with which the intelligence of these unexpected and unjustifiable measures has been received in this country.

You will recall to the recollection of that minister, the grounds upon which his Majesty has hitherto forbore from considering Spain as an enemy. That nothing could have induced him to continue this forbearance, but a sincere desire to avoid extending the calamities of war, and a willingness to confide in the assurances of the Spanish Government, that the payments made to France were only intended to gain time, until circumstances should enable them to adopt measures more consistent with their interests and their wishes. That his Majesty had repeatedly required a communication of the engagements entered into with France; but had only received in answer to such demands an indefinite assurance, that whatever might be the amount of the payments to be made by Spain to France, they had been calculated with a reference to the expence of the military and naval succours stipulated by treaty. That no means had been afforded to his Majesty of judging whether the payments were in fact only an equivalent for the succours, or whether they so far exceeded that amount as to make it impossible to consider Spain otherwise than as a principal in the war.

That his Majesty therefore had been under the necessity of expressly reserving to himself the full right of regulating his conduct towards Spain, according to the appearance of existing circumstances; but that the abstaining from all naval preparations on the part of that power had been distinctly declared to be one of the indispensable conditions annexed by his Majesty to the continuance of his forbearance.

You will state to M. de Cevallos, that, after such declarations had been made, it would be difficult to suppose that any explanation could be given of the present naval preparations, which would render such a proceeding consistent with the neutrality which is professed; but it is manifestly impossible to consider it, unaccompanied as it has been by any previous explanation whatever, in any other light, than as a menace, directly hostile, and imposing upon his Majesty the duty of taking, without delay, every measure of precaution; and particularly of giving orders to his admiral, off the port of Ferrol, to prevent any of the Spanish ships of war from sailing from that port, or any additional ships of war from entering it.

The whole conduct of his Majesty towards Spain has abundantly proved his earnest desire to carry that forbearance to the utmost limit which a due regard to the safety and interests of his people would admit: but he cannot depart from the declarations he has already made; nor allow Spain to enjoy all the advantages of neutrality, and, at the same time, to carry on against him a double war, by assisting his enemies with pecuniary succours, to which no limit is assigned; and by obliging him, at the same time, to divert a part of his naval force from acting against those enemies, in order to watch the armaments carried on in ports professing to be neutral.

You are, therefore, directed to require from the Spanish Government the immediate recall of all orders for the naval armament at Ferrol, Cadiz, and Carthageña, as well as for sending reinforcements from some of those ports to others; and you will apprise M. de Cevallos, that, unless you receive a satisfactory answer without delay, you are ordered to quit Madrid. If positive and unequivocal assurances are given, not only that the present naval equipments shall be discontinued, but that the naval armaments in the ports of Spain shall be placed upon the same footing on which they were previously to the commencement of hostilities between Great Britain and France, you will engage to transmit such assurances to his Majesty, and you will take upon yourself to answer for its being the intension of his Majesty, in case there appears sufficient reason to believe that they will be strictly fulfilled, to send a minister to Madrid, for the purpose of entering into an amicable discussion of all other points of difference.

It must, however, be distinctly understood, that no such discussion can be entered into unless the Court of Spain is prepared to give such an explanation of its engagements with France, and of the system which it intends to adopt, as may enable his Majesty to ascertain the nature of the relations which are to subsist between himself and his Catholic Majesty.

If the answer given by M. de Cevallos should be negative, or equivocal, you will demand your passports, and leave Madrid.

I am, &c.

(Signed) HARROWBY.

To B. Frere, Esq.

No. 16.

Extract of a Dispatch from Mr. Consul General Hunter to Lord Harrowby, dated Madrid, 5th of October, 1804.

I HAVE the honour to enclose copies of the two following official letters which have passed on the subject of the naval armaments at Ferrol, viz.

From Mr. B. Frere to Don Pedro Cevallos, dated 17th September.

Answer by his Excellency to Mr. Frere, dated 3d instant.

(First Enclosure in No. 16.)

27th September, 1804.

Sir,

AN indisposition, which still confines me to my bed, has prevented me from addressing your Excellency sooner, on the subject of the naval armament which is carrying on at Ferrol. The total cessation of all preparations in the ports having been the principal condition required by England, and agreed to by Spain, as the price of the continuance of that system of forbearance which England has hitherto observed, the violation of this condition, against which I now protest, can be considered in no other light than as a hostile aggression on the part of Spain, and a defiance given to England.

It is in vain that I seek to interpret this precipitate measure in a manner more conformable to the wishes of my Government, and less disastrous to the two nations. It becomes still more menacing, in consequence of a squadron of the enemy being in the port where it is carrying on. Having discharged my duty towards my own Government in protesting against this measure, it still remains for me to fulfil the one I owe to that of his Catholic Majesty; namely, to apprize them, that in no case can England be indifferent to the armament which is preparing, nor consent to its being carried on; and I entreat that your Excellency, previous to giving me an answer, will duly consider the serious consequences which will result, if it be determined to complete the misery which presses so heavily on this country, by plunging it unnecessarily into a ruinous war.

I avail myself of this opportunity to, &c.

(Signed) B. FRERE

To his Excellency Don Pedro Cevallos,

&c &c. &c.

(Second Enclosure referred to in No. 16.)

Note from Don Pedro Cevallos to B. Frere, Esquire, dated Escorial, 3d October, 1804.

Sir,

I HAVE made a report to the King my master, of the contents of your note of the 27 ultimo, in which you speak of a naval armament which you suppose to be fitting out in Ferrol. His Majesty being informed of your representations, orders me to answer, that he has never thought of being wanting to the agreements entered into with the British Government—that the cessation of all naval armament against Great Britain shall be observed as it has been hitherto; and that whatever information to the contrary may have reached you, is wholly unfounded, and offensive to the reputation which the Spanish Government justly enjoys.

I take this opportunity of renewing to you the assurances of my wishes to oblige you, and I pray God to preserve your life many years.

(Signed) P. CEVALLOS.

To the Chargé d'Affaires of his Britannic Majesty,
&c. &c. &c.

No. 17.

Copy of a Dispatch from Lord Harrowby to B. Frere, Esquire, dated Downing Street, 21st October, 1804.

Sir,

THE Lively, captain Hammond, arrived at Portsmouth on Wednesday morning with the Fama, a Spanish frigate, laden with dollars from the Rio de la Plata, and brought information of the action which took place on the fifth instant between four of his Majesty's frigates, and the same number of Spanish frigates, in which three of the latter were captured, and one unfortunately blew up.

Although from the situation of the ships when this action happened, it is probable that the event is known at the Court of Madrid, I have thought it necessary to give you this information without loss of time, in order that you may be able to explain to the Spanish Government the principles upon which the orders given to his Majesty's naval commanders are rested; and the effect which this event is here considered to have upon the relative situation of the two countries.

As the subject was fully discussed in a conference which took place yesterday between the Spanish minister and myself, I cannot point out to you more distinctly the language which his Majesty thinks proper to be held upon this occasion, than by stating to you the substance of this conversation.

In answer to the first question of the Spanish minister, in what light this event was to be considered; I informed him, that it was an act done in consequence of express orders from his Majesty, to detain all ships laden with treasure for Spain. That such orders had been issued as soon as intelligence was received of the equipment of naval armaments in the ports of Spain, and particularly at Ferrol, without any previous explanation. That the court of Madrid could have no reason to be surprised that such a step was taken, as it had been repeatedly stated to the Spanish Government, and particularly in a note delivered by Mr. Frere on the 18th of February last, that as long as they continued in a situation of merely nominal neutrality, any naval armament in their ports must be considered as putting an immediate end to the forbearance of England, and as necessarily producing consequences that were distinctly pointed out. I added, that upon the first intelligence of the armament, admiral Cochrane had been directed to communicate to the governor of Ferrol the orders he had received to oppose the sailing of any Spanish ships of war to or from the port of Ferrol; and Mr. B. Frere had also been directed to inform the court of Madrid of the orders given by his Majesty, that all necessary measures of precaution should be taken, and particularly those notified by admiral Cochrane. The Spanish minister then observed, that his court was not apprized of the orders given to detain the ships laden with treasure, which being ships of war, their resistance to any attempt to detain them must have been foreseen. I observed in reply, that this was the first and most obvious of those measures of precaution which had been announced. That it had been thought right to announce precisely the intention of engaging the ships of war which might attempt to sail to or from Ferrol, because it would depend upon the Spanish Government, after receiving such an intimation, to give such orders as to their sailing as it might think proper, and to prevent a hostile meeting between the two squadrons; but that to have announced more particularly the intention of detaining the

treasure ships, must either have been perfectly useless, if the Spanish Government had no means of giving them notice of such intention, or must have afforded the opportunity of rendering it completely abortive. That Spain having violated one of the conditions upon which the forbearance of his Majesty depended, it became immediately necessary for him to prevent the continuance of those succours which were furnished by Spain to France. That these succours were of two kinds: naval armaments and treasure. That his Majesty had hitherto submitted with unexampled moderation, to connive at the payment of a subsidy by Spain to France, upon the grounds which have been often stated; but that, from the moment Spain had manifested the intention, instead of confining herself to pecuniary assistance, to add her naval forces to those of France, and had manifested it in the least equivocal manner, by equipping a considerable squadron in the port of Ferrol, where it would be ready to join a squadron of French ships, and to outnumber the British force employed in blockading them; from that moment his Majesty could no longer delay carrying into execution every measure of necessary precaution; and he had as just a right to detain treasure destined to increase the means of his enemies, as to attack the ships of Spain sailing in conjunction with those of France. I expressed in strong terms his Majesty's concern at the loss of so many valuable lives in the conflict, and particularly at the unfortunate accident, which destroyed one of the Spanish frigates, (the *Mercedes*) with nearly the whole of her crew. I did not controvert his observation, that it was impossible for those frigates not to resist, when they were met by so equal a force; and I thought it right to avow without hesitation, that, although it was hoped the treasure might have been brought in single ships, of a force so inferior to his Majesty's squadron as to justify the expectation that they might be detained without violence, yet that his Majesty's Government were aware that this expectation might be disappointed, and as the act itself was thought necessary, had determined to incur the hazard of what might follow from resistance.

To the question put by the Spanish minister, in what state the Spanish frigates and their crews were to be considered; I replied, in the same state as ships and crews detained under similar circumstances upon former occasions. That the officers and men would be treated with every possible attention,

and the treasure would be transported to a place of security, to await such orders as the issue of the present discussions with the Court of Madrid may appear to his Majesty to require.

After these points had been discussed, the Spanish minister desired to know, whether this event was to be considered as putting an end to all further explanation, and placing the two countries in a state of war.

To this I replied, that it was certainly by no means so considered on our part. That it was still the earnest wish of his Majesty, that such explanations, assurances, and securities might be given by the Court of Madrid respecting their naval armaments, present and future, and respecting all other subjects of discussion between the two Governments, as might not only maintain an amicable intercourse between them, but establish it in future upon a more distinct and permanent footing. An explanation of the naval armaments alone, would not then {replied M. d'Anduaga} now satisfy the English Government?

To this I answered, that such an explanation alone would not now satisfy us, nor would it have been satisfactory at any former period. The Court of Madrid had repeatedly been informed, that his Majesty could not be satisfied without being made completely acquainted with the relation in which Spain stands with respect to France, in order to be enabled to judge upon a full view of all the circumstances, in what relation he could consent to consider Spain as standing with respect to Great Britain.

In reply to several observations which fell from the chevalier d'Anduaga, that assurances had been given, as to the amount of the subsidy which was stated to be only an equivalent for military succours; as to the contents of the treaty with France, which was alleged to contain nothing injurious to the interests of Great Britain; as to the innocent destination of any armaments which might be made; as to the decided intention of his Catholic Majesty to preserve the strictest neutrality; and as to the injustice of any suspicions which could attach to Spanish honor and veracity—I assured him, in return, that both the Government and the nation had the highest value and respect for Spanish honor and veracity; but that we had too much ground from experience to be slow in trusting the ability of Spain to act up to the honorable and independent principles by which her conduct would naturally be guided. That I sincerely wished the armaments in question might prove to have been really, as he had endeavoured to represent them, only the consequence of an order given under

the pressure of necessity, for the purpose of transporting troops to subdue the revolvers in Biscay; but that if this were really the intention of the order, it was inconceivable, that no notice should have been given to the British minister at Madrid, or to the Admiral off the port of Ferrol, who might have conveyed the explanation of the armament at the same moment with the news of its existence. That it was singular, if ships of the line were to be used for this purpose, that they should not have been equipped merely as transports. That although the orders were received at Ferrol on the seventh of last month, and must consequently have been given at Madrid some days earlier, yet up to this moment he was possessed of no direct information from his court, was authorized to give me no explanation, and was reduced to state upon this subject his own conjecture, founded upon imperfect intelligence, and upon his own earnest wishes to explain the transaction in a manner calculated to prevent a rupture between the two countries. Having dwelt upon the various grounds, which made this explanation improbable and unsatisfactory, I concluded the conversation by expressing my fears, that the orders would be found to have proceeded from that influence, which had unfortunately so long diverted the Spanish councils from an attention to their real interest and dignity; that the measure, if dictated by that influence, would probably be persisted in; and that a breach would then become inevitable; but that the moderation and forbearance of his Majesty's conduct hitherto, (to which the Spanish minister bore the fullest testimony), would be a sufficient security, that no reasonable means of accommodation would be rejected; and that I should be equally desirous with himself to be the instrument of establishing between our respective countries a greater degree of harmony and cordiality than could exist between a nominal neutrality on the one side, and a jealous forbearance on the other.

I am in daily expectation of hearing from you what passed at Madrid upon the receipt of the communication made by Admiral Cochrane to the Spanish governor of Ferrol; until that information is received, I have nothing to add to my former instructions.

P. S. Since this was written, an account was received of the arrival of his Majesty's ships the Amphion and Indefatigable, with the Spanish frigates, the Medea and the Clara.

I am, &c.

(Signed)

HARROWBY.

B. Frere, Esq.

No. 18.

Dispatch from B. Frere Esquire to Lord Harrowby, dated
Escorial, 27th October, 1804.

My Lord,

YOUR Lordship's dispatches No. 1 and 2, were delivered to me by the messenger Smith, on the night of the 18th, in consequence of which I lost no time in coming down to the Escorial, where the court are resident at present, and having demanded an audience of M. Cevallos, which he gave me on the 21st, I told him that I believed he would find by his letters from England, that the sensation which the late unexpected armament at Ferrol had caused there, had been by no means over-rated in the note which I had addressed to him upon the subject some weeks ago; that I was now charged to declare to him formally his Majesty's surprize and concern at such a measure having been adopted, without any previous communication to him, and unaccompanied by any explanations of its object; and to require the immediate recall of all orders which might have been given at Ferrol or elsewhere, for increasing their naval force, or for altering its position; and that it should be reduced to the state in which it was at the beginning of the war. M. Cevallos said, that he found that there had been a great deal of misrepresentation and exaggeration upon the subject of this armament, which he affected to treat very lightly; he said, that the expedition consisted of a few ships, which were already armed at the time, whose destination I must be well acquainted with; that the project was now given up, and he wished to infer, that there was therefore no ground of complaint for what had passed. I replied that I knew no more of the destination of this expedition, than what I had learnt from public report, which was, that it was meant to convey troops to quell an insurrection in Biscay; but that it had appeared to me so incredible that ships of war should be armed to carry forces to a province, which had no ports to receive them, which was already in the possession of their troops, and which was so situated, that the march by land might be performed in a much shorter time than was necessary for preparing for and making the voyage; that I had not ventured to write this report home to my Government. M. Cevallos however assured me that this was the design, and, extravagant as it was, the march by land into

H

Biscay of the troops before destined for the embarkation seems to confirm his assurance. I observed that whatever might have been the object of this armament, it was equally a breach of the convention which Spain had entered into with England; and as M. Cevallos maintained that the engagement had been only contracted for not arming against Great Britain, I referred him to my brother's note of the 18th February, in which the cessation of all armaments is demanded in the clearest terms. I told him at the same time, that if he was now inclined to dispute this point, I must revert to the instructions upon which the demand was framed, and which were to the full as positive as those which I had now received. He protested against the extravagance of such a pretension, which he said would reduce them to the lowest state of humiliation if Spain could not arm to repel the insults of a foreign enemy, or to quell her own rebellious subjects. I repeated the assurance of his Majesty's disposition to make every possible concession in favour of Spain; but that this was an engagement, which the security of his kingdom called for, and that Spain might rely upon its being pushed no further than that object required. Finding that it was needless to attempt drawing any satisfactory assurance from M. Cevallos in conversation, I told him that my instructions related likewise to some other important points; that if he pleased I would read them over to him, after which if he thought it necessary I would deliver to him in writing a summary of their contents.

In treating of the subject of the money furnished to France, he affected much surprize at its being considered merely as a temporary measure, and asked from whence my Court could have got that idea, of which he himself disclaimed any share. I told him that I knew my brother had repeatedly received similar assurances at the very time when the treaty was negotiating from a person high in authority, whose assurances were then esteemed authentic, and that as such he had transmitted them to his Government. M. Cevallos repeated that they had no such views; that the treaty was concluded for the whole of the present war; that it contained no article whatever hostile to Great Britain; and as to the amount of the subsidies, he could only repeat what he had already said, and what M. Anduaga had stated to your Lordship, that they are calculated with a reference to the expence of furnishing the succours stipulated by treaty. This assurance he said he trusted I should think sufficient, and that England would so far do justice to the good faith of the Spa-

nish Cabinet as to pronounce herself satisfied with such a declaration. I observed to him that my Government was already in possession of thus much information upon the subject, when my present instructions were forwarded to me, and therefore that I must expect a more explicit answer, or comply with the orders to demand my passports; that in the terms in which he stated it, the amount of the succour stipulated was without any limit, since the treaty provides that in case of necessity the auxiliary power is liable to be called upon to assist her ally with all her forces; in which situation there would be no bounds to the sums which Spain might furnish to the enemy under the denomination of an equivalent for these succours. I did not however succeed in obtaining any further explanation upon the subject; and there was in M. Cevallos' manner a more decided determination not to give way upon this point, and more disposition to ill humour at being pressed upon it, than upon that of the total cessation of all armaments in the ports. He took no other notice of the orders given to Admiral Cochrane to shut the port of Ferrol to their ships of war, than by asking me to read that paragraph a second time; and when I had finished the dispatch, he said that Spain would continue to act with the same good faith which she had always hitherto done; that England ought to be perfectly at ease upon the subject of the armament, which had never been of any consequence, and was now laid aside; that upon the question of the subsidies, she had all the satisfaction that she could reasonably require; and that it was time that she herself should give some assurance of her own dispositions, without which a neutrality, restless and disturbed as that which Spain now possesses, would prove as prejudicial to the country as war itself. I answered, that the dispositions of my Government towards Spain were not less friendly than they had always been, and that it was to the conduct of Spain herself that he must attribute the unsettled state of the connection between the two countries; nor could it be otherwise, as long as she maintained this reserve upon a point which affects so essentially the interests of Great Britain as that of her pecuniary engagements with France; and I left him, by saying, that I hoped that upon consideration he would see it in the same light, and that I should receive a more satisfactory answer to the note which I should transmit to him, than I had been able to obtain from the conference. Your Lordship will observe an interval of some days between this conference and the date of my note, during which I have been

confined by a return of indisposition which disabled me from writing; having however stated so fully before hand the nature of my instructions to M. Cevallos, I am in hopes that no time will have been lost by this circumstance, and that I shall receive his answer as soon as if my note had been presented immediately after our conference.

I have the honour to be, &c.

B. FRERE.

(Enclosure referred to in No. 18.)

Sir,

Escorial, 26th October, 1804.

IN consequence of the desire your Excellency has expressed to me, I have the honour to transmit to you in writing the substance of the representations which I have been directed by my Government to make to you.

It is with equal surprise and concern that his Britannic Majesty received the account of the naval preparations which have been carrying on in the ports of Spain, having on his part omitted nothing, from the very commencement of hostilities with France, which could contribute to remove from Spain those calamities of a war, in which, owing to her treaties, she was in fact placed in the number of his enemies. Nothing, indeed, could have induced his Majesty to persevere in this system of moderation, except the same benevolent motive, supported by a disposition to give credit to the assurances of the Spanish Government, that the sums furnished to France were only paid under the idea of gaining time, until circumstances would enable her to follow a system more congenial to her wishes and her interests.

His Majesty has repeatedly requested a communication of the engagements concluded with France; but the only answer has uniformly been a vague assurance, that, whatever might be the amount of the sums to be paid by Spain, they were calculated according to the estimate of what the succours, naval and military, stipulated by treaty, would amount to. But his Majesty has never been furnished with any means of judging, whether these payments are in fact only a fair equivalent for those succours, or whether they so far exceed it, as to render it necessary to consider Spain a principal in the war.

In this state of uncertainty, his Majesty has been compelled expressly to reserve to himself the full right to regulate his conduct towards Spain, according to the appearance of cir-

instances at the moment. But he has ever declared, unequivocally, that the discontinuance of all naval preparations on the part of that power was an indispensable condition of the continuance of his moderation. Such a declaration having been made, it would be difficult to account for a naval armament on the part of Spain, in such a manner as to reconcile it with her pretended system of neutrality; and it becomes impossible to consider the present armament, which was unaccompanied by any explanation, in any other light than as a measure decidedly hostile, and which calls upon his Majesty to take, without delay, every step which prudence may dictate; and more especially to give orders to his Admiral off Ferrol, to prevent any Spanish ship of war from entering or leaving that port.

His Majesty's uniform conduct towards Spain has abundantly proved his ardent desire to carry his moderation to the utmost extent, which a due regard for the interests and security of his people will permit. But his Majesty cannot depart from the declarations which he has made, nor permit that Spain shall enjoy all the advantages of neutrality, whilst she wages a twofold war against him, first, by furnishing to his enemies unlimited pecuniary succours; and, secondly, by compelling him to divert a part of his naval force from acting against the enemy, in order to watch the armaments which are preparing in ports pretending to be neutral.

I have in consequence received orders from his Majesty, to require of the Spanish Government the immediate recal of all the orders which have been given at Ferrol, at Cadiz, or at Carthagena, as well for the equipment of ships, as for sending reinforcement from one to the other of those ports, and not only that such preparations be stopped, but that the naval armaments in all the ports of Spain shall be put precisely on the same footing as before the commencement of hostilities between England and France.

I flatter myself, that I shall not be under the necessity of announcing to your Excellency, more formally than I have hitherto done, what must be the inevitable consequences of a refusal of this demand. If it is fully complied with, I can answer for the intentions of his Majesty to send to Madrid a Minister authorised to discuss, in an amicable manner, every other subject of dispute; but still this discussion cannot take place unless Spain be prepared to give a distinct explanation of her engagements with France, and of the system which she

proposals to adopt, according to which his Majesty may be enabled to judge of the nature of the relations which should subsist between him and his Catholic Majesty.

Your Excellency may conceive the impatience with which I shall expect your answer; and some days having already elapsed since I had the honour to converse with you on the subject of this note, I hope that your decision has been already taken, and that I may flatter myself in some degree to have contributed towards the extinction of the daily alarms which trouble the good understanding between the two countries, and which are the necessary consequence of the obstinacy of Spain in refusing to give that satisfaction so justly due to the conduct of his Britannic Majesty.

(Signed)

B. FRERE.

No. 19.

Dispatch from B. Frere, Esq. to Lord Harrowby, dated Madrid, 8th November, 1804.

My Lord.

I HAVE the honour to enclose a copy and translation of Mr. Cevallos' answer to my note of the 26th, which was delivered to me on the morning of the 30th. Your Lordship will find, that neither this note, nor the paper which it enclosed, and which is a copy of Mr. Cevallos' instructions to Mr. Anduaga, contain any satisfaction whatever upon the two principal points, viz. a stipulation to abstain from all naval preparation; and a disposition to enter upon some fuller explanation of their pecuniary engagements with France. On the contrary, Mr. Cevallos observes to Mr. Anduaga, that the explanations which have been given upon the latter point are sufficient, if the complaints of England are made with good faith; and throughout both papers there is a tone of irritation, which shews a disposition far from conciliatory. Under these circumstances I have thought that my instructions left me no choice, but to repeat distinctly my former proposals, and at the same time to demand my passports, if they were not acceded to. This I accordingly did, without the least delay, in the note of which the inclosed is a copy; and having observed that Mr. Cevallos affected to attach the highest importance to a slight, and, I am persuaded, accidental variation between the conditions which I was instructed to demand, and the convention before agreed to, I trust that I

shall not be thought to have taken too much upon myself in venturing to make the alteration necessary for reconciling them. Having delivered this note, I returned to Madrid to finish my preparations for dispatching the messenger, and expecting in the interval to receive Mr. Cevallos' reply. After having waited in vain till the 2d, I determined to write again to him, to press him for an answer, and accordingly sent the note, No. 5, by courier, who returned the next day (the 3d), bringing me Mr. Cevallos' note, of which I inclose a copy and translation, and in which, after a very formal introduction, and much parade of precision in the terms of his answer, he leaves the two principal questions exactly in the same state as before. I, therefore, on the same day returned a short note, repeating my demand for passports, of which no notice having been taken, on the evening of the 5th, I determined once more to send the messenger down to the Escorial with a still more pressing renewal of my application; and after having been delayed upwards of two days, he returned this morning, bringing me my passports, which were accompanied by the inclosed note (No. 10.). In consequence of this, I propose to leave Madrid on the day after to-morrow, and Mr. Hunter will follow me as soon as he conveniently can. I am unwilling to delay the messenger a moment longer than is necessary for making your Lordship acquainted with the final determination of the Spanish Government; but I cannot help expressing my confidence, that his Majesty's Government will not see, in the course of this negotiation, any foundation for the charge of precipitation, which is brought against me by Mr. Cevallos. If I have any apprehension, it is lest my hopes that a more deliberate reflection upon the fatal consequences of a rupture, and a due sense of the moderation of the proposals made by his Majesty with a view of avoiding such an extremity, would induce this Government to admit my demands, should have led me to be less decided than the urgent terms of my instructions will strictly justify.

I have the honour to be, &c. &c.

(Signed)

B. FRERE.

The Right Honourable Lord Harrowby,

&c. &c. &c.

(First enclosure referred to in No. 19.)

Translation of a Note from Don Pedro Cevallos to B. Frere,
Esq. dated San Lorenzo, 29th October, 1804.

Sir,

AS soon as you knew that preparations were making at Ferrol for the transport of troops, ignorant, without doubt, of their destination, you sent a note to me, expressing the apprehensions which this occurrence inspired, and demanding from me an explanation of the intentions of Spain.

I gave you such as the circumstances permitted, and fully sufficient to tranquillize your apprehensions, assuring you that his Majesty had no ideas that could offend the harmony and constant friendship offered to his Britannic Majesty.

Nothing was more natural than that the British Cabinet should have waited the result of the representations made by its Minister to the King, my master, disregarding in the mean time all advices which were not authentic, and paying this deference to the tried good faith of the Spanish Cabinet. Unhappily it has not been so; for, without other than mercantile advices, which are generally fabricated through interest, the English Government has formed its complaints, laying down, as certain, the fact of an armament, and styling it hostile, whereas its object was not so, neither, as it was, did it take effect.

Notwithstanding that I had tranquillized the apprehensions which you shewed that this armament caused in you, his Majesty having learnt from the conference which I had with you, that the Court of London being ill informed, raised complaints which are as ill founded as they are unconformable to the true designs of Spain, by his royal order I have sent to Don Joseph D'Anduaga, his Minister at that Court, the proper instructions, with a view to dissipate the apprehensions of Great Britain, and declaring the true limits of the engagements of Spain in favour of France, and likewise in favour of England, as you will see by the copy which I have the honour to inclose.

By its contents you will be undeceived, in finding that Spain has not given the subsidies to France with a view to gain time, and of waiting for an opportunity of displaying a system more analogous to her wishes, as you have permitted yourself to assert; it being difficult to conceive how you can

associate the idea of momentary subsidies, and such as are furnished purely in expectation, with the knowledge and assurance of there having been concluded a treaty of subsidies between Spain and France, equivalent to the naval and military succours determined by the alliance of the two nations, for the case of the present war.

England agreed to the neutrality of Spain, upon condition that she should cease her armaments, which should remain in the state in which they were at the time of the convention; and notwithstanding its specified terms and religious observance of it by the Spanish Government, you claim that the armaments should be reduced in the ports of this kingdom to the state in which they were before the beginning of hostilities between England and France. The King cannot but see in this demand a notorious infraction of the convention of neutrality proposed by England herself, and in this view he orders me to direct his Minister in London to protest against a pretension, which is the more unseasonable, inasmuch as the apprehensions are greater of a desire on the part of England to alter the stipulated relations between herself and Spain.

It is a measure not less infractory which you tell me your Government have taken, in order that the Commander of the fleet before Ferrol should prevent the sailing of the Spanish ships of war which are in that port, and the entrance of others of the same description. This measure, besides being nugatory (supposing the good faith of Spain), is offensive to her honour and dignity, and truly hostile. In which view, I communicate to the King's Minister an order to protest against it, and to exact from the English Cabinet clear and precise explanations concerning her ideas with regard to Spain, whose neutrality is absolutely unproductive, if she is to continue in the uncertain, agitated, and equivocal state in which she has hitherto been.

(Signed)

PEDRO CEVALLOS.

The Chargé d'Affaires of his
Britannic Majesty.

(Second Enclosure referred to in No. 19.)

Translation of a note from Don Pedro Cevallos to Don Joseph de Anduaga, dated San Lorenzo, 26th Oct. 1804.

Sir,

THE assurances which England has received from Spain upon her exactness in fulfilling the stipulated neutrality, and the good faith which is as it were characteristic of the Spanish Cabinet, ought to have inspired the British Cabinet with more circumspection, so as not to give credit to the unauthentic news of armaments in Cadiz and Ferrol. Spain obliged herself to cease her arming, and she has fulfilled it, since the two or three vessels which she thought to destine to the coast of Biscay were armed before the epoch of the agreed cessation of armaments.

The idea of this agreement was to assure Great Britain, that Spain, under the colour of neutrality, should not arm her ships to unite them to those of France when it might suit that power. To wish by this agreement that Spain should not arm even when she sees herself offended by any power, or when the tranquillity of the state requires it, is to strain the letter and spirit of the treaty, and to disregard the invariable principles which declare and explain treaties between sovereigns. In such a case the lot of a neutral power, considered until now as the most advantageous, would be the most fatal. Her enemies might commit hostilities against her with impunity; her subjects might refuse fidelity to the sovereign, assured that force could not reduce them to their duty. Under these principles, and granting for a moment the reality of the supposed new armaments, it would have been becoming that the English Cabinet, less apt to give credit to news (which is easily fabricated by those who are discontented with the peace, or those who make it contribute to mercantile profit) should have asked of Spain what were her designs, before she made public demonstrations of suspicion and distrust, always injurious to the mutual commerce of the two nations. On the other hand, she ought to believe that her Minister would ask, as in effect he did ask, in proper time, explanations of this much talked of (decantado) armaments, which were given conformably to what I have said; and by these the English Government will have confirmed itself in the confidence which it owes to the promises of his Majesty. In this conception I replied to

the English Chargé d'Affaires, who read to me the dispatch of his Government. He renews the solicitation that I should declare to him the sum which, under the title of subsidies, is contributed to France, as an equivalent for the succours stipulated by the treaty of alliance; and I have repeated to him what on this point I have said to your Excellency, and it is what is sufficient if the complaints are made in good faith, and if it is wished to do justice to that which is as it were the characteristic of the Spanish Government.

That Government has also raised a doubt, whether our subsidy in favour of France is indefinite, or limited to the time of the present war; and I have answered, that it does not extend to any other wars than the present. In fine, I told him that England might rely on the morality and good faith of Spain in the fulfilling of her obligations, but without giving to them an extension that humiliates and degrades her from the rank that belongs to her; that Great Britain was the most interested in not altering the state of neutrality with this kingdom, from which by commerce she draws immense sums with which she maintains her fleets; that the prejudices are incalculable which she brings upon our commerce, by her exaggerated complaints and unfounded suspicions of the ideas and views attributed to the Spanish Government, since, being known and published by those who derive benefit from them, they prevent the merchant from giving to his negotiations all the activity of which they are susceptible; that Spain having complied with the two conditions, namely, Cessation of Armaments, and Prohibition of the Sale of Prizes in her ports, under which Great Britain promised to respect the neutrality, it becomes absolutely necessary that this power should adopt towards Spain a stile of greater frankness: and that, in like manner, as we have protested that we will maintain our pacific relations with England, so also she should confirm to us clearly and definitively that her views are equally pacific, and the more so, when she has seen that we have not infringed any of the conditions of the neutrality agreed on.

All which, by royal order, I transfer to the notice of your Excellency for your information, and the correspondent use in your conferences and conversations with that Ministry.

(Signed)

PEDRO CEVALLOS,

Don Joseph de Anduaga,
&c. &c. &c.

(No. 3. referred to in No. 19.)

Sir,

Escorial, 30th October, 1804.

I HAVE had the honour of receiving your Excellency's note of yesterday's date, inclosing copy of a letter to M. d'Anduaga, in which I see no hope which can justify the prolongation of my residence here; and I should in consequence confine myself to follow the orders of my Court, by requesting my passports, if I did not think it my duty previously to notice some false conceptions which your Excellency has formed as to the relations which subsist between England and Spain, according to which, it would not be difficult for me to repel the charge of precipitation, which your Excellency has cast on the recent conduct of my Government.

Your Excellency speaks of the neutrality of Spain, and argues thereupon, as if it were a circumstance agreed upon between the two powers; whereas no mention whatever has been made of it, either in the propositions contained in his Britannic Majesty's note of the 18th of February, nor in any other part of his correspondence. His Britannic Majesty has in fact announced to the Spanish Government the conditions without which it would be absolutely impossible for him any longer to pursue that system of forbearance which he has hitherto followed; but he has never offered to Spain the hope of a neutrality, which treaties, even with his enemies, rendered her incapable of enjoying. Spain has been placed on her proper footing, that is to say, on that of a power with whom there was a suspension of hostilities; and the agreement made under this idea had for its object not only, as your Excellency says, to prevent the equipment of her ships of war, and their junction with the French forces, but also to place herself in a better position both offensive and defensive with respect to England, than that in which she found herself at the commencement of hostilities; and how could she expect to see herself more closely connected with England, whilst her engagements with its enemies and the sums with which she furnished them, remained a secret to England. True it is, that his Britannic Majesty has received vague assurances as to the amount of these sums; but these assurances are insufficient to enable him to decide upon the nature of the permanent relations which should subsist between him and his Catholic Majesty, especially as, should these assurances be exact, no reason remains to refuse the communication of the treaty, since

your Excellency has assured me, that it does not contain any stipulation hostile to Great Britain.

I have had the honour to inform your Excellency, that nothing could have engaged his Majesty to persevere in his system of moderation, but his well-known benevolence, supported by a disposition to give credit to the assurances of the Spanish Government, that the payments furnished to France were only made in the intention of gaining time, and till circumstances would enable her to follow a system more congenial to her interests and her wishes. Your Excellency does not appear to comprehend, whence I have derived this assertion: and although I should have supposed, that I had already pointed out its source, so clearly as to exculpate myself from the imputation of having fabricated it myself, I must inform you, that his Excellency the Prince of the Peace gave similar assurances to the minister of his Britannic Majesty, whenever mention was made of the payment of the subsidies to France. It appears to be since ascertained, that the assurances of his Excellency were not those of his Government, by which therefore it cannot be called upon to abide: but this explanation will doubtless make an essential alteration in the ideas of my Government respecting the future projects of Spain, which must henceforward be considered as irrevocably connected with France, during the whole war by a treaty of subsidy, the stipulations of which she will not avow.

In this state of inquietude, which is the natural consequence of the silence observed by Spain as to its engagements with the enemy, his Britannic Majesty, having received from his admiral off Ferrol authentic accounts of an armament fitting out in that port, was in no wise called upon to wait for the explanations that Spain might offer thereon, and which have never been offered; it is sufficient, in order to justify the measures which he has taken, nay still more decisive ones, to know that an armament was fitting out, and that the engagements were violated.

I have thus endeavoured to give an exact idea of the nature of the relations which have subsisted between the two countries from the commencement of hostilities with France, since it is from this consideration alone, that a just opinion can be formed of the present conduct of the two Governments; and if your Excellency is not prepared to give me an assurance that no armament whatever shall be carried on in the ports of Spain; that the ships of war shall be put precisely in the state in which they were at the conclusion of the convention with

England; that no alteration shall take place in the distribution of force, nor indeed any naval preparation; if your Excellency is not ready, at the same time, to afford my Government the satisfaction which I have had the honor to demand, as to the engagements with France, I must consider my employment here as at an end, and there only remains for me the painful duty of requesting your Excellency to send the necessary passports for myself and servants, in order to return as soon as possible to England.

Your Excellency complains of my having in my note demanded the reduction of the marine to the state in which it was previous to the war, whilst the period pointed out in the convention for fixing the establishment to which it was to be reduced, was that of the convention itself. It is true, that this first period was named in my instructions; but bearing in mind that another has been already agreed upon, and too well convinced of the good faith of my Government to believe that the substitution could have been made otherwise than by mistake, I have not hesitated to restore the period of the convention, too happy, if this trifling change can remove any obstacle to the satisfaction of my demands.

I have, &c. B. FRERE.

His Excellency Don Pedro Cevallos,
&c. &c. &c.

(Fourth Enclosure in No. 19.)

Sir,

Madrid, 2d November 1804.

ACCORDING to the precise terms in which the demands I had the honor to make to your Excellency, in my note of the 30th ult. were couched, and which admitted of no modification, I ought already to have received from your Excellency, either a favorable answer, or passports for my departure; my instructions are too pressing to allow me to defer any longer the repetition of my demands, and at the same time to request your Excellency, if you are unable to give me full satisfaction on them, to have the goodness to send, in addition to those I have already demanded, passports for Mr. Hunter and his family, together with an order to the governor of the council to afford them as well as myself such a guard as shall be necessary to escort us to the frontiers.

The messenger who carries this letter waits for your Excellency's answer, which I hope you will have the goodness to dispatch to me in the course of the evening.

(Signed)

B. FRERE.

To his Excellency Don Pedro Cevallos,

&c &c. &c.

(Fifth enclosure referred to in No. 19.)

Translation of a Note from Don Pedro Cevallos to B. Frere, Esquire, dated S. Lorenzo, 3d November, 1804.

Sir,

I HAVE received the two notes which you were pleased to address to me, dated the 30th October last and the 2d inst. and having given account to the King my master of their contents, I have the honour to declare to you, that Spain has given constant proofs of good correspondence with Great Britain, of her fidelity in observing the treaty of neutrality, (called by you a suspension of hostilities, though they have not disturbed the state of peace since the treaty of Amiens), and has completely done away the apprehensions, which England founded upon vague accounts, of armaments which neither did exist, nor, if they had existed, had any tendency prejudicial to the tranquillity of Great Britain.

And although these three points are satisfied in my note of the 29th of October last, still his Majesty is willing to make a fresh sacrifice to peace, carrying his royal condescension to the point which you desire, and ordering me to satisfy your questions as I do, in the most unequivocal manner; saying,

To the First.—That Spain, in consequence of the treaty of neutrality concluded the 19th October, 1803, will make no armament contrary to the said convention.

To the Second.—That there is not a greater number of ships armed than there was at the epoch of the said convention.

To the third.—That no change, infractory of the neutrality, shall be made in the distribution of the ships already armed; nor is it likely that there should be any need to change the said distribution, under the supposition of neutrality.

To the fourth.—That the treaty of subsidies with France contains nothing offensive to our neutrality with Great Britain; and that the subsidies are equivalent to what would be the expence of the naval and military succours, stipulated in the treaty of alliance with the French Republic.

As my answers are not less distinct than satisfactory, for they have been formed in no other style than that of good faith, I think I have a fresh right to be satisfied by you in regard to the measure taken by the British cabinet, in order that the commander of its forces before Ferrol should prevent the entrance of the Spanish ships in the said port; a complaint which I have not had the honour to see satisfied by you, as becomes a measure which carries with it mistrust of the Spanish Government, and offends its honour and dignity, by shackling the exercise of its domestic authority.

I do not believe that you will have any difficulty in recognizing the violence of which this measure of your government partakes, when I observe, by your note of the 30th, (which did not reach me till after a delay of two days,) that your good faith and conciliatory spirit have prompted you to do away the equivocation which there was in the instructions of your court, with regard to the epoch which is to regulate the reduction of the maritime forces of Spain, making a due appreciation of my observations, which were founded in the express determination of the compact of neutrality.

(Signed) PEDRO CEVALLOS,
The Chargé d'Affaires of England.

(Sixth Enclosure in No. 19.)

Sir,

Madrid, 3d November, 1804.

I HAVE just had the honour of receiving your note of this day, and I am concerned to remark, that upon the two principal points it is as equivocal and as little satisfactory as those which preceded it. Your Excellency gives me no answer whether you will or not enter into an engagement that no armament whatever shall be fitted out in the Spanish ports, referring me only to the terms of a convention, upon the force of which we are by no means agreed, your Excellency maintaining that the engagement not to arm was not a general one (which I require), but that it merely referred to armaments against Great Britain. I see also with regret that I have not advanced a single step on the question of the subsidies granted to France. The answer which your Excellency now gives me is the same which was returned to the first representations of my Government on this point, and it is absolutely impossible for me to transmit it as satisfactory, or to withdraw my request for passports.

(Signed) B. FRERE,
His Excellency Don Pedro Cevallos, &c. &c. &c.

(Seventh Enclosure in No. 19.)

Sir,

Madrid, 5th November, 1804.

PERCEIVING, by your Excellency's note of the 3d inst. that you had nothing satisfactory to offer to me on the demands which I had made to you in the name of my Government, I requested you anew, on that very day, to send me the passports necessary for my departure. It becomes at last absolutely indispensable to put an end to the uncertainty of my Government on the success of my efforts; and these delays, which at first appeared to indicate a more favourable disposition and to promise me that satisfaction which I demanded, cannot now be regarded in this light. I must therefore protest, in the most formal manner, against this conduct on the part of the Spanish Cabinet; and, at the same time, announce to your Excellency my belief that his Catholic Majesty does not wish I should be reduced to the very extraordinary alternative, either of departing without passports, or of remaining at Madrid, my functions being at an end; for I must consider them as such, when I do not receive full satisfaction to the demands of my Government.

(Signed)

B. FRERE.

P. S.—The Messenger who carries this letter has my orders to wait for those of your Excellency.

(Eighth Enclosure referred to in No. 19.)

Translation of a note from Don Pedro Cevallos to B. Frere, Esq. dated St. Lorenzo, 7th November 1804.

Sir,

HIS Catholic Majesty has seen with concern, by your note of the 5th, the violent determination which you have taken to break the thread of the functions of your mission, by departing as soon as you receive the passports, which you have asked for that purpose. His Majesty cannot deny you the passports, which he orders me to expedite immediately, and I enclose them for yourself and family, and for that of Mr. Hunter, the Consul-General, and the order necessary for the escort which you asked for; but, at the same time, I have to say to you, by his royal order, that this Government not having given the slightest motive for your resolution, but, on the contrary, every explanation which is suitable to the state of our connexion with Great Britain, he cannot but look upon

K

you as responsible for the result of your precipitate resolution.

(Signed) PEDRO CEVALLOS.
The Chargé d'Affaires of England.

No. 20.

Extract of an order from the Right Honourable the Lords Commissioners of the Admiralty to Vice Admiral Lord Viscount Nelson, dated the 18th May 1803.

AS it is highly important that your Lordship should be watchful of the conduct of the Court of Spain in the present moment, you are to direct your attention to the naval preparations that may be making in the several ports of that kingdom in the Mediterranean, as also at Cadiz, and to take every practicable means for obtaining, from time to time, all the intelligence you may be able to collect on that subject.

Your Lordship is to take care that no interruption be offered by any of the ships or vessels under your command to any Spanish ships of war or trade, while they conduct themselves in a manner becoming a neutral nation. But at the same time, your Lordship is to understand, that however undesirable it may be to avoid any measure of hostility against that country, you are not to suffer any squadron of Spanish ships of war to enter a French port, or to form a junction with any squadron, or ships or vessels of that or the Batavian Republic.

No. 21.

Extract of a letter from Sir Evan Nepean Baronet to Vice-Admiral Lord Viscount Nelson, K. B. dated Admiralty Office, the 13th January 1804.

I AM commanded by my Lord's Commissioners of the Admiralty to acquaint your Lordship, that, in consequence of the intelligence which has recently been received of the hostile preparations which are now making in the different ports of Spain, their Lordships have deemed it expedient to reinforce the squadron under your Lordship's command.

The proceedings of Spain, on the occasion I have mentioned to your Lordship, will naturally engage your very serious attention, and their Lordships rely with confidence, that you will keep your squadron in such a state as to be at all times ready to act, as the circumstances and situation of affairs may appear to require.

No. 22.

Order from the Lords Commissioners of the Admiralty to the Honourable W. Cornwallis Admiral of the White, &c. &c. &c. dated the 18th September 1804.

(Most secret.)

By, &c.

YOU are hereby required and directed to give immediate orders to Rear Admiral Cochrane, to continue the blockade of the port of Ferrol with the utmost vigilance, not only with the view of preventing the French squadron from escaping from that port, but likewise with a view of preventing any of the Spanish ships of war from sailing from Ferrol, or any additional ships of war from entering that port; and if in consequence of your correspondence with Rear Admiral Cochrane you should be of opinion that the force under the Rear Admiral is not adequate to the purposes above mentioned, you are without delay to reinforce the squadron under his command, and measures will be taken, with all possible expedition, to send out to you a sufficient number of ships to replace the force which you may so detach.

You are to send intimation to the Spanish Government, through Rear Admiral Cochrane, of the instructions you have given to the Rear Admiral, and of your determination in consequence thereof to resist, under the present circumstances, the sailing either of the French or Spanish fleets, if any attempt for that purpose should be made by either of them.

And whereas information has been received that some frigates are speedily expected to arrive at Cadiz loaded with treasure from South America, you are to lose no time in detaching two of the frigates under your command, with orders to their captains to proceed with all possible dispatch off Cadiz and the entrance of the Straits, and to use their best endeavours, in conjunction with any of his Majesty's ships they may find there, to intercept, if possible, the vessels in which the above mentioned treasure may be contained, and to detain them until his Majesty's pleasure shall be further known.

Given, &c. 18th September 1804.

(Signed)

J. GAMBIER.
J. COLPOYS.
P. PATTON.

To the Hon. William Cornwallis,
Admiral of the White, &c. &c. &c. off Breast.

By, &c. J. BARROW.

No. 23.

(Secret.)

Copy of a letter from W. Marsden, Esq. secretary to the Admiralty, to the senior officer of his Majesty's ships off Cadiz, respecting the detention of Spanish ships with treasure, dated Admiralty Office, 19th September 1804.

Sir,

MY Lords Commissioners of the Admiralty, having ordered the Honourable William Cornwallis, Commander in Chief of his Majesty's ships and vessels off Brest, to send immediately two frigates to cruize off Cadiz and the entrance of the Straits, for the purpose of intercepting and detaining, until his Majesty's pleasure shall be further known, some frigates which are speedily expected to arrive at Cadiz, loaded with treasure from South America; I have it in command from their Lordships to signify their direction to you to co-operate by every means in your power with the captains of the two frigates which may be sent out by Admiral Cornwallis as above mentioned, in carrying the orders they have received from the said Admiral into execution.

In case of your falling in with the vessels having the said treasure on board, it is their Lordships direction, that you use your best endeavours to detain them until further orders.

I am, Sir, your humble servant,

W. MARSDEN.

Senior officer of his Majesty's ships
cruizing off Cadiz.

No. 24.

Copy of a letter from W. Marsden, Esquire, to the Commanders in Chief in the Mediterranean, the Leeward Islands, and Jamaica, dated the 19th September 1804.

My Lord,

I HAVE in command from my Lords Commissioners of the Admiralty, to send you herewith the copy of their Lordships order of yesterday's date, to Admiral Cornwallis, respecting the blockade of the Port of Ferrol, and to signify their direction to you, to take such measures of precaution as may be necessary for opposing or counteracting any hostile attempts of the Government or subjects of Spain against his Majesty's dominions, or the trade of his Majesty's subjects within the limits of your command.

Your Lordship is, however, not to suffer any act of hostility or aggression (with the exception of detaining, for further orders, ships having treasure on board belonging to the Spanish Government) to be committed by the ships under your command towards the dominions or subjects of Spain, until you receive further orders, or until your Lordship shall have received, from unquestionable authority, positive information of hostilities having been committed by the subjects of Spain against his Majesty's interests.

I have the honour to be, &c. &c. &c.

W. MARSDEN.

Vice Admiral Lord Viscount Nelson, K. B.

Similar letters to Vice Admiral Sir J. T. Duckworth, K. B. Jamaica.

Commodore Sir Samuel Hood, K. B. Leeward Islands.

No. 25.

Copy of an Order to the Honourable Admiral Cornwallis off Brest, for detaining Spanish Ships laden with Naval or Military Stores, dated the 25th September 1804.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

IN addition to our secret orders to you of the 18th instant, for detaching two of the frigates under your command to cruize off Cadiz and the entrance of the Straits, for the purpose of intercepting and detaining the vessels therein mentioned, expected shortly to arrive with treasure from South America, you are hereby required and directed to give orders to the respective captains and commanders of all his Majesty's ships and vessels under your command, to keep a vigilant look out, and, upon falling in with any Spanish ships or vessels laden with naval or military stores, to detain them, and either to send or bring them into the nearest port in England, there to remain until his Majesty's further pleasure shall be known respecting them.

You are also to direct the said officers, that, upon their bringing or sending into port any Spanish vessels laden with naval or military stores as above mentioned, they transmit to

our secretary for our information, an account of their having so done.

Given under our hands the 25th September 1804.

(Signed) MELVILLE.
J. COLPOYS.
P. PATTON.

To the Honourable Wm. Cornwallis, Admiral
of the White, &c. &c. &c. off Brest.

By Command of their Lordships, W. MARSDEN.

No. 26.

Copy of an Order to the Senior Officer off Cadiz, dated 25th September 1804.

By the Commissioners for executing the Office of Lord
High Admiral of the United Kingdom of Great Britain
and Ireland, &c.

IN addition to our Secretary's letter to you of the 19th instant, for detaining till further orders the ships which were expected to arrive off Cadiz, loaded with treasure from South America; you are hereby required and directed, upon falling in with any ships or vessels laden with naval or military stores, to detain them until his Majesty's further pleasure shall be known respecting them. Given under our hands, the 25th September 1804.

J. GAMBIER.
J. COLPOYS.
P. PATTON.

To the Senior Officer of his Majesty's Ships
cruizing off Cadiz.

By command of their Lordships, W. MARSDEN.

No. 27.

Copy of an Order to the Commander in Chief in the Mediterranean, the Leeward Islands, and Jamaica, dated the 25th September 1804.

By the Commissioners for executing the Office of Lord
High Admiral of the United Kingdom of Great
Britain and Ireland, &c.

IN addition to our Secretary's letter to your Lordship of the 19th instant, directing you to take such measures of pre-

caution as may be necessary for opposing or counteracting any hostile attempts of the Government or subjects of Spain, and to detain, for further orders, ships having treasure on board belonging to the Spanish Government; your Lordship is hereby required and directed to give orders to the respective captains and commanders of all his Majesty's ships and vessels under your command, to keep a vigilant look out, and on falling in with any Spanish ships or vessels laden with naval or military stores, to detain them until his Majesty's pleasure shall be known respecting them.

Given under our hands, the 25th September 1804.

J. GAMBIER.

J. COLPOYS.

P. PATTON.

Lord Viscount Nelson K. B. Vice Admiral
of the White, &c. &c. &c. Mediterranean.

By command of their Lordships, W. MARSDEN.

Similar order to Vice Admiral Sir J. T. Duckworth K. B.
Jamaica.

Commodore Sir Samuel Hood K. B. Leeward Islands.

No. 28.

Copy of a Letter from William Marsden Esquire, to the different Commanders in Chief of His Majesty's Ships, on the Subject of the Detention of the Spanish Vessels, dated Admiralty-Office, 25th November 1804.

Sir,

IT appearing that some misapprehension has been entertained with regard to the nature and extent of the precautionary orders issued by my Lords Commissioners of the Admiralty, for the detention, under certain circumstances, of Spanish ships of war; I have it in command from their Lordships, to signify to you, that you are not to detain, in the first instance, any ship belonging to his Catholic Majesty, sailing from a port of Spain; but you are to require the commander of such ship to return directly to the port from whence he came, and only in the event of his refusing to comply with such requisition, you are to detain and send him to Gibraltar or to England.

I am further commanded to signify their direction to you, not to detain any Spanish homeward-bound ship of war, un-

nor she shall have treasure on board, nor merchant ships of that nation, however laden, on any account whatever.

I am, &c. W. MARSDEN.

No. 29.

Extract of a Letter from Rear Admiral Cochrane to William Marsden, Esq. dated on board His Majesty's Ship the Northumberland, off Ferrol, dated 19th August 1804.

AS they (the French ships) continue to receive supplies of men by land from France, I conceived it my duty to write to the Captain General of this province, a copy of which letter I here enclose, together with his Excellency's answer, from which their Lordships will see that there is little prospect of a stop being put to the parties of French soldiers and seamen passing through the country to join their ships at Ferrol.

" His Majesty's Ship Northumberland, off Ferrol,
" dated 19th July, 1804.

" Sir,

" I THINK it proper to acquaint your Excellency that the French Government have lately sent parties of soldiers across Spain from Malaga, in order to reinforce their squadron lying at the Port of Ferrol; and that they are now sending detachments of seamen, from ten to fifteen in each party, along the coast, from Rochefort and Bayonne, for the same purpose. One division is already arrived at Ferrol, and another was at Santander on the 12th current.

" As the countenancing such proceedings in a neutral country is directly contrary to the established laws of nations, I hope I have only to make it known to your Excellency, to induce you to give orders to stop those parties of men from proceeding to Ferrol through the province under your Excellency's government; and that you will be pleased to signify this requisition of mine to the Governors of the provinces between this and the frontiers of France, that due measures may be taken to prevent so direct a breach of neutrality. I have also to beg that your Excellency will be pleased to lay this request of mine before his Catholic Majesty's Ministers at Madrid.

" I have, &c.

" A. COCHRANE."

" His Excellency Don Francisco Octaraneo,
" Captain General of Galicia, Corunna."

" Sir,

" Corunna, 21st July, 1804.

" I HAVE received your letter of the 19th instant, relative to the intelligence which you have received respecting the detachment of certain numbers of soldiers and sailors being sent from France to join the French squadron at Ferrol.

" As I have but very recently taken on me the command of Captain General, I can only at present say to your Excellency, that I will take precautions necessary in such cases whenever they may happen, and act according to the laws of neutrality, which it is my wish to observe, and which are expressly recommended to me by the royal orders to that effect; and by this post I have communicated to his Catholic Majesty's Ministers the contents of your letter as you desire.

" I have, &c.

" FRANCISCO OCTARNEO."

" To his Excellency Rear Admiral Cochrane,
&c. &c. &c."

No. 30.

Extract of a Letter from the Honourable Rear Admiral Cochrane to the Honourable Admiral Cornwallis, dated off Ferrol, 3d September, 1804.

I ENCLOSE a report just made me of the state of the French squadron at Ferrol, also that of the Spanish ships. From this, and other circumstances, I am led to believe, that more than usual exertions are now making to complete them for sea.

A party of men arrived last night from France, and many more are on their road. Two hundred cannoniers have lately joined.

(Enclosure in No. 30.)

List of the Squadron of Spanish Men of War fitting at Ferrol.

Neptune, of 74 guns.

San Augustin, of 74 guns.

Monarca, of 74 guns.

Vengeance, of 36 guns.

L

Fruesbo, of 40 guns.

Brugula storeship.

Urguiso, of 24 guns (corvette).

A brig.

Provisioned for three months.

Don Caetano Balder commands this force.

No. 31.

Extract of a Letter from the Honourable Admiral Cochrane to William Marsden, Esquire, dated off Ferrol, the 11th September, 1804.

BE pleased to acquaint the Lords Commissioners of the Admiralty, that, in consequence of the hostile aspect of the French and Spanish squadrons at Ferrol, I have judged it right to detain the Illustrious. There does not remain any doubt that the intentions of the French, Spanish, and Dutch ships of war are to act together, and as three first rates are expected from Cadiz, their Lordships will I hope approve of my concentrating the force I have under my orders.

No. 32.

Extract of a Letter from Rear-Admiral Cochrane to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship the Northumberland, off Ferrol, the 21st October, 1804.

THE Spanish ships here are in the same state as when I wrote last. I now inclose the most correct list that can be obtained of their situation, by which you will perceive that they are all in a state fit for service.

A List of all the Spanish Ships of War in the Port of Ferrol, October, 1804.

La Concepcion, of 120 guns, in good order, without masts; guns all on board, in the arsenal.

La Prince of Asturias, of 120, newly repaired, ditto.

La Mexicano, of 120, in good order, ditto.

La St. Fernando, of 90, an old ship newly repaired, ditto.

La Neptano, of 84, rigged, and in good order in the arsenal.—Complete.

La Monarco, of 74, ditto.

La St. Augustin, of 74, ditto—sails fast—old ship—do.

La St. Juan Nepesceno, of 74, just out of dock—in good order.

La Mantanes, of 74, in good order—ten years old.

La St. Yldefonso, of 74, thirteen years old.

La St. Francisco, de Asis, of 74, in dock, and has had a thorough repair.

La St. Felino, of 74, sails very fast—old, but in good order.

La St. Fulgencia, of 64, old, but in good order.

La Oriente, of 74, ditto, but in order for service.

La St. Julian, of 64, ditto.

La Esmeralda, of 44, frigate.

La Flora, of 44, ordered to be docked for immediate service.

La Prueba, of 44, new—never been at sea—completely rigged.

La Venganza, of 40, rigged and ready for sea.

La Diana, of 40, in good order—about ten years old.

La Pila, of 40, in good order.

In the arsenal, there are sixteen or eighteen gun boats, carrying a long 24-pounder, and 30 men belonging to each. During the last war they had floating batteries, carrying from eight to ten long 24-pounders, with a furnace for heating shot. One of them lay at Rides the most of the war.

No. 33.

Extract of a Letter from Rear-Admiral Cochrane to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship the Northumberland, off Ferrol, the 25th October, 1804.

THE Spanish line of battle ships are in a state so as to be ready in a few days. The baking of biscuit goes on; all their ovens are at work; most of the water is on board; and the ships are kept in a more immediate state for service than they have been for a twelvemonth past.

The Duguaytrouin will be out of the dry dock next spring tide. When the Redoutable goes in the Fougueux is nearly ready to come out of the bason. I have reason to think that they have now a sufficiency of men for four of their line of battle ships, if not the whole. Parties continue to arrive from France.

DECLARATION.

FROM the moment that hostilities had commenced between Great Britain and France, a sufficient ground of war against Spain, on the part of Great Britain, necessarily followed from the treaty of St. Ildephonso, if not disclaimed by Spain.

That treaty in fact identified Spain with the Republican Government of France, by a virtual acknowledgement of unqualified vassalage, and by specific stipulations of unconditional offence.

By the articles of that treaty, Spain covenanted to furnish a stated contingent of naval and military force for the prosecution of any war in which the French Republic might think proper to engage. She specifically surrendered any right or pretension to enquire into the nature, origin, or justice of that war. She stipulated, in the first instance, a contingent of troops and ships, which, of itself, comprised no moderate proportion of the means at her disposal; but in the event of this contingent being at any time found insufficient for the purposes of France, she further bound herself to put into a state of activity the utmost force, both by sea and land, that it should be in her power to collect. She covenanted that this force should be at the disposal of France, to be employed conjointly, or separately, for the annoyance of the common enemy; thus submitting her entire power and resources to be used as the instruments of French ambition and aggression, and to be applied in whatever proportion France might think proper, for the avowed purpose of endeavouring to subvert the Government and destroy the national existence of Great Britain.

The character of such a treaty gave Great Britain an incontestible right to declare to Spain, that unless she decidedly renounced the treaty, or gave assurances that she would not perform the obligations of it, she would not be considered as a neutral power.

This right, however, for prudential reasons, and from motives of forbearance and tenderness towards Spain, was not exercised in its full extent; and in consequence of as-

surances of a pacific disposition on the part of the Spanish Government, his Majesty did not, in the first instance, insist on a distinct and formal renunciation of the treaty, it does not appear that any express demand of succour had been made by France before the month of July, one thousand eight hundred and three; and on the first notification of the war, his Majesty's Minister at Madrid was led to believe, in consequence of communications which passed between him and the Spanish Government, that his Catholic Majesty did not consider himself as necessarily bound by the mere fact of the existence of a war between Great Britain and France, without subsequent explanation and discussion, to fulfil the stipulations of the treaty of St. Ildephonso, though the articles of the treaty would certainly give rise to a very different interpretation. In the month of October a convention was signed, by which Spain agreed to pay to France a certain sum monthly in lieu of the naval and military succours which they had stipulated by the treaty to provide, but of the amount of this sum, or of the nature of any other stipulations which that convention might contain, no official information whatever was given.

It was immediately stated by his Majesty's Minister at Madrid to the Spanish Government, that a subsidy as large as that which they were supposed to have engaged to pay to France, far exceeded the bounds of forbearance; that it could only meet with a temporary connivance, as if it was continued, it might prove in fact a greater injury than any other hostility. In reply to these remonstrances, it was represented as an expedient to gain time, and assurances were given which were confirmed by circumstances, which came to his Majesty's knowledge from other quarters, that the disposition of the Spanish Government would induce them to extricate themselves from this engagement, if the course of events should admit of their doing so with safety.

When his Majesty had first reason to believe that such a convention was concluded, he directed his Minister at Madrid to declare that his forbearing to consider Spain as an enemy must depend in some degree upon the amount of the succours, and upon her maintaining a perfect neutrality in all other respects; but that it would be impossible for him to consider a permanent payment, to the amount of that which was stated to have been in agitation, in any other light than as a direct subsidy of war. His Majesty's Envoy was directed, therefore, first to protest against the convention, as

a violation of neutrality, and a justifiable cause of war ; secondly, to declare, that our abstaining from hostilities must depend upon its being only a temporary measure, and that we must be at liberty to consider a perseverance in it as a cause of war ; thirdly, that the entrance of any French troops into Spain must be refused ; fourthly, that any naval preparation must be a great cause of jealousy, and any attempt to give naval assistance to France an immediate cause of war ; fifthly, that the Spanish ports must remain open to our commerce, and that our ships of war must have equal treatment with those of France. His Majesty's Minister was also instructed, if any French troops entered Spain, or if he received authentic information of any naval armaments preparing for the assistance of France, to leave Madrid, and to give immediate notice to our naval commanders, that they might proceed to hostilities without the delay that might be occasioned by a reference home.

The execution of these instructions produced a variety of discussions; during which his Majesty's Minister told Mr. Cevallos, in answer to his question, Whether a continuance of such pecuniary succours to France would be considered as a ground of war, and whether he was authorized to declare it ? that he was so authorized, and that war would be the infallible consequence.

It was, however, still thought desirable by his Majesty to protract, if possible, the decision of this question ; and it was therefore stated in the instructions to his Minister at Madrid, that as the subsidy was represented by the Spanish Government to be merely a temporary measure, his Majesty might still continue to overlook it for a time ; but that his decision in this respect must depend upon knowing the precise nature of all the stipulations between Spain and France, and upon the Spanish Government being determined to cause their neutrality to be respected in all other particulars. That until these questions were answered in a satisfactory manner, and the convention communicated to him, he could give no positive answer whether he would make the pecuniary succours a cause of war or not.

Before the receipt of these instructions, dated January 21, 1804, the report of some naval armaments in the ports of Spain had occasioned a fresh correspondence between his Majesty's Minister and the Spanish Government. In one of the notes presented by the former, he declares, that if the King was forced to begin a war, he would want no other de-

claration than what he had already made. The answers of the Spanish Government were first of an evasive nature; his Majesty's Minister closed the correspondence on his part by a note delivered on the 18th February, in which he declares that all further forbearance on the part of England must depend upon the cessation of all naval armaments, and a prohibition of the sale of prizes in their ports; and unless these points were agreed to without modification, he had orders to leave Madrid. On the second of these points a satisfactory answer was given, and orders issued accordingly; on the first a reference was made to former declarations. To the question about disclosing the treaty with France no satisfactory answer was ever given. As, however, no naval preparations appeared to be proceeding at that period in the ports of Spain, the matter was allowed to remain there for a time.

In the month of July, one thousand eight hundred and four, the government of Spain gave assurances of faithful and settled neutrality, and disavowed any orders to arm in their ports; yet in the subsequent month, when these assurances were recent, and a confident reliance reposed in them, the British Chargé d'Affaires received advice from the Admiral commanding his Majesty's ships off the port of Ferrol, that reinforcements of soldiers and sailors had arrived through Spain for the French fleets at Toulon and Ferrol. On this intelligence two notes were presented to the Spanish Ministers, but no answer was received to either of them. Towards the end of the month of September, information was received in London from the British Admiral stationed off Ferrol, that orders had actually been given by the Court of Madrid for arming, without loss of time, at that port, four ships of the line, two frigates, and other smaller vessels; that (according to his intelligence) similar orders had been given at Carthagena and Cadiz, and particularly that three first-rate ships of the line were directed to sail from the last-mentioned port; and as an additional proof of hostile intentions, that orders had been given to arm the packets as in time of war.

Here then appeared a direct and unequivocal violation of the terms on which the continuance of peace had been acquiesced in; previous notice having been given to the Spanish Government, that a state of war would be the immediate consequence of such a measure, his Majesty on this event stood almost pledged to an instant commencement of

hostilities; the King however preferred a persevering adherence to the system of moderation so congenial to his disposition: He resolved to leave still an opening for accommodation, if Spain should be still allowed the liberty to adopt the course prescribed by a just sense of her own interests and security. It is here worthy of remark, that the groundless and ungrateful imputations thrown out against his Majesty's conduct in the Spanish manifesto, are built upon the foundation of this forbearance alone. Had his Majesty exercised, without reserve, his just rights of war, the representations so falsely asserted, and so insidiously dwelt upon, could not have been even stated under any colourable pretext: The indulgence, therefore, which postponed the actual state of war, was not only misrepresented, but transformed into a ground of complaint, because the forbearance extended to the aggressors was not carried to a dangerous and inadmissible extreme. In consequence of the intelligence above-stated, directions were sent to his Majesty's Minister at Madrid, to make representations and remonstrances to the Spanish Court, to demand explanations relative to the existing conventions between Spain and France; and above all, to insist, that the naval armaments in their ports should be placed on the same footing as they were previously to the commencement of hostilities between Great Britain and France: And he was further directed explicitly to state to the Spanish Government, that his Majesty felt a duty imposed upon him, of taking, without delay, every measure of precaution; and, particularly, of giving orders to his Admiral off the port of Ferrol to prevent any of the Spanish ships of war sailing from that port, or any additional ships of war from entering it.

No substantial redress, no satisfactory explanation, was afforded in consequence of these repeated representations; whilst, under the cover of his Majesty's forbearance, the enemy had received considerable remittances of treasure, together with the facility of procuring other supplies.

Every circumstance of the general conduct of Spain was peculiarly calculated to excite the vigilant attention of the British Government—the removal of Spanish ships out of their docks, to make room for the accommodation of the men of war of France—the march of French troops and seamen through the Spanish territory—the equipment of naval armaments at Ferrol—the consideration that the junction of this armament with the French ships already in that

harbour, would create a decided superiority of numbers over his Majesty's squadron cruising off that port—the additional naval exertions, and the consequent increase of expence which this conduct of Spain necessarily imposed upon Great Britain. All these together required those precautions, both of representation and action, to which his Majesty had immediate recourse. While official notice was given of his Majesty's intention to adopt those necessary measures, the Spanish Government was at the same time assured, that his Majesty still felt an earnest desire to maintain a good understanding with Spain; but that the continuance of such a state of things must be subject to the condition of abstaining on their part from all hostile preparations, and on making, without hesitation or reserve, that full and explicit disclosure of the nature and extent of the subsisting engagements with France, which had hitherto been so frequently and so fruitlessly demanded.

The precautions adopted by his Majesty were such only as he deemed indispensably necessary to guard against the augmentation by Spain of her means of naval preparation during the discussion, and against the possible consequences of the safe arrival of the expected American treasure in the Spanish ports; an event which has more than once, in former times, become the epoch of the termination of discussions, and of the commencement of hostility on the part of Spain.

The orders issued by his Majesty, on this occasion, to the admirals commanding his fleets, afford the most striking example of a scrupulous and indulgent forbearance; the most strict limitation was given, as to the extent and object of the measures proposed; and the execution of those orders was guarded with the strongest injunctions to avoid, by every means consistent with the attainment of their object, any act of violence or hostility against the dominions or subjects of his Catholic Majesty. The hostile preparations in the harbour of Ferrol rendered it necessary, in the first instance, that a reinforcement should be added to the squadron cruising off that Port; and orders were at the same time conveyed to the British admirals, to send intimation to the Spanish Government of the instructions they had received, and of their determination in consequence to resist, under the present circumstances, the sailing either of the French or Spanish fleets, if any attempt for that purpose should be made by either of them.

M

His Majesty's pleasure was at the same time signified, that they were not to detain, in the first instance, any ship belonging to his Catholic Majesty, sailing from a port of Spain; but to require the commander of such ship to return directly to the port from whence she came, and only, in the event of his refusing to comply with such requisition, to detain and send her to Gibraltar or to England.

Further directions were given not to detain any Spanish homeward-bound ships of war, unless they should have treasure on board nor merchant ships of that nation, however laden, on any account whatsoever. That, in the prosecution of those measures of precaution, many valuable lives should have been sacrificed, is a subject of much regret to his Majesty, who laments it as an event produced alone by an unhappy concurrence of circumstances, but which can in no degree affect the merits of the case. The question of the just principle and due exercise of his Majesty's right, rests upon every foundation of the laws of nature and of nations, which enjoin and justify the adoption of such measures as are requisite for defence and the prevention of aggression.

It remains only further to observe, that if any additional proof were requisite of the wisdom and necessity of precautionary measures, that proof would be found even in the declaration relied upon in the manifesto of Spain, in which its government now states itself to have contemplated from the beginning of the war, the necessity of making itself a party to it, in support of the pretensions of France, expressly declaring, that "Spain and Holland, who treated conjointly with France at Amiens, and whose interests and political relations were so closely connected with her, must have with difficulty refrained from taking part against the injuries and insults offered to their ally."

It will further appear, by a reference to the dates and results of the several representations made by his Majesty's Chargé d'Affaires at the Court of Spain, that the detention of the Spanish treasure ships never was in question during the discussions which preceded his departure from Madrid. That ground of complaint therefore, which has since been so much relied upon, formed no part of the motive of the previous hostile character so strongly manifested by the Spanish Court in their mode of treating the points in discussion, nor (as will appear in the sequel) of the final rupture of the negotiation at Madrid.

On the twenty-sixth of October one thousand eight hundred and four, his Majesty's Chargé d'Affaires presented a note to the Spanish Minister, in which the following conditions were insisted upon, as preliminary to the appointment of a minister from Great Britain, who might treat of the adjustment of other matters which remained for discussion. The conditions were three: First, that the orders given at Ferrol, Cadiz, and Carthagena, should be countermanded, as well for the equipment of ships of war in any of those ports, as for their removal from one of those ports to another. Secondly, that not only the present armaments should be discontinued, but that the establishment of ships of war in the different ports should be replaced on the footing on which they stood at the commencement of hostilities between England and France. Thirdly, that full disclosure should be made of the existing engagements, and of the future intentions of Spain with respect to France. From the period abovementioned to the second of November, several official notes passed between his Majesty's Chargé d'Affaires and the Spanish Minister, consisting, with little variation in their tenor, of urgent demands of satisfaction on the one side, and of evasive and unsatisfactory replies on the other. After repeated delays and reiterated applications, his Majesty's Chargé d'Affaires received his passports on the seventh of November, and departed from Madrid on the fourteenth of that month. During the whole of this negotiation, no mention was made of the detention of the Spanish treasure ships, nor does it any where appear that an account had been received at Madrid of that transaction. It is evident, therefore, notwithstanding the attempt made by the Spanish Court to avail itself of that event, in the manifesto which has been since published, that the state of war must equally have arisen between Great Britain and Spain, had the detention never taken place, and that, in point of fact, the rupture ultimately took place upon grounds distinct from, and totally unconnected with that measure.

The leading circumstances which characterize the reiterated abuse of his Majesty's moderation, were each of them of a nature to have exhausted any less settled system of lenity and forbearance. Succours afforded to his enemies; explanations refused or evaded, after repeated demands; conditions violated, after distinct notice that on them depended the continuance of peace! Such has been the con-

duct of the Spanish Court ; and it is, under these circumstances, that his Majesty finds the domineering influence of France exerted, and the Spanish nation in a state of declared and open war.

His Majesty appeals with confidence to all Europe for the acknowledgment of his exemplary moderation in the whole course of these transactions. His Majesty feels with regret the necessity which places him in a state of hostility with Spain ; and would with heart-felt satisfaction observe, on the part of that country, the assumption of a more dignified sense of national importance, and a more independent exercise of sovereign rights.

His Majesty would indeed be most happy to discover in the councils of Spain a reviving sense of those ancient feelings and honourable propensities which have at all times been so congenial to the Spanish character, and which, in better times have marked the conduct of its government. His Majesty will, on his part, eagerly embrace the first opportunity, thus offered, of resuming a state of peace and confidence with a nation which has so many ties of common interest to connect it with Great Britain, and which he has hitherto been ever disposed to regard with sentiments of the utmost consideration and esteem.

Downing-Street,
Jan. 1805.

P A R T II.

No. 1.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 10th June, 1803.—Received 31st July.

IT is possible that the enclosed intelligence may have already reached you through Lord Robert Fitzgerald.

On questioning the Prince of Peace, he declared that the King had made repeated instances to be informed of the assemblage of such a body of troops, but that no explanation had been obtained. This certainly does not appear very probable; but it is a fact, that this Government are treated with great neglect on the subject of Portugal, and are kept in the dark as to the object of the correspondence which has been passing with such activity between Generals Bournonville and Lannes.

M. Cevallos, when I mentioned to him the intelligence which I had received, said that he had received the same, but that later intelligence had persuaded him that the assemblage would not be so great or so immediate; and I yesterday received a report agreeing with this latter opinion.

(Enclosure in No. 1.)

Extract of Intelligence from Bayonne, dated 30th May.

I HAVE already mentioned to you the arrival of some troops at this place; two other brigades are expected the 13 Floreal (2d June), the 77th and the 24th. There will be, independently of the two divisions of 25,000 men each, intended for the conquest of Portugal, a body of reserve of 12,000. The camp is already marked out at Bidard, (a league and a half from hence.) I believe I have already told you that one of these divisions will march by Perpignan, and the other by Bayonne. Thirty-seven thousand men are therefore expected here; but as I have just said, the 12,000 of reserve only will

N

remain. The army will afterwards march into Spain. The command of it is provisionally given to General Cara St. Cyr, a relation, I fancy, of him who was Ambassador at Madrid. General La Marque is intrusted with the organization of these troops.

8th June.

There is for the present nothing new, or at least very interesting. The arrival of some battalions, and of a regiment of chasseurs cavalry; the 24th, that which in the last war served the campaign of Portugal; they are tolerably well mounted, but badly equipped, or rather badly clothed. We are now assured, that the army which is coming here will not exceed 5 or 6,000 men, although it is still reported that it will be augmented to 40,000. I believe it, for I do not see that the Government has so large a disposable force.

No. 2.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 6th July 1803.—Received 3d August.

I HAVE to acknowledge the receipt of your Lordship's dispatch of the 2d ultimo, and I have great satisfaction in reflecting that the last which your Lordship will have received from me will shew that I have been fortunate enough to conform my conduct to the general spirit and tendency of the instructions which your Lordship had laid down for my guidance.

The present state of things is one which it is not very easy to define. The Prince of Peace has not yet thought proper to commit himself by any distinct proposals upon the subject of obtaining a guarantee for that neutrality which this country professes itself to have adopted; at the same time there is an evident increase in the ill-humour of the French Ambassador, and some serious altercations have passed between him and the Prince of Peace. Upon my making some enquiries upon the subject of the French rassemblement at Bayonne, upon which he had before demanded an explanation of the French Ambassador, as mentioned in my letter of the 10th ultimo, he told me that he at last declared to him that if an army was collected there, he should establish a superior force in camp opposite to them. Some few days since General Bournonville declared that the French army was dispersed into cantonments,

and the orders, for joining it countermanded, and insisted against the establishment of a Spanish camp. The Prince of Peace, however, told him that it could still be adhered to as a measure of precaution. He has said likewise that if the French attempted to force a passage he would raise an army, and that the King would put himself at the head of it to oppose them.

When I last called upon him, after the receipt of your Lordship's dispatch, I told him, that though I had already explained to him the intentions of his Majesty respecting Portugal, yet that I had received such positive instructions from your Lordship upon the subject, that I could not forbear repeating the same declaration in a more formal manner. To this he answered, that he believed that the differences between France and Portugal were in a train of being settled, but that this country would still continue its preparations, and that he had given orders for twelve regiments of militia to be assembled, to form part of a camp in Castile.

It should seem singular, and even suspicious, that while language of this kind is passing, no positive declaration should be made to Great Britain, nor any distinct statement made of the means which might be necessary, and which they might expect Great Britain to contribute in vindication of their neutrality, if attempted to be violated. It is, however, remarkable, that many Spaniards with whom I have conversed, and who were ardently desirous of an alliance against France, have never seemed to look for any assistance from England beyond her co-operation; and the various symptoms of ill-humour on the part of the French Minister are evidently real and unaffected; at the same time the attentions of their Majesties are marked to the Portuguese Minister and myself in a manner which has excited general observation.

The King has been much irritated, in addition to the former provocations from France, by the violence which has been offered to the independence and neutrality of Tuscany; and both their Majesties have been sincerely and deeply affected by the death of the King of Etruria.

The disposition of the people has been always favourable to England, and has been much more so of late; and even among those classes whose politics are not so spirited or so generous as those of the mob, there is a great disposition to take part decidedly with us, and this is only checked by the apprehension of our being perfectly cut off from continental alliances,

and that therefore the whole brunt of the war would fall on Spain.

The common people are persuaded that there is a secret understanding with England, and that when Spain is completely armed, the two powers are to fall jointly upon France; they add several particulars of the supposed treaty, and are universally delighted with the prospect.

No. 3.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 7th July, 1803.—Received 3d August.

BEFORE I had finished the preceding dispatch, I was called away to the usual audience which M. Cevallos gives to foreign ministers on Wednesday night. I then learned that intelligence had arrived of his Majesty's Government having accepted the mediation of the Emperor of Russia. M. Cevallos communicated the intelligence to me. He expressed his wish for general tranquillity; that it was above all things his Majesty's desire to preserve a good understanding and harmony with England; that war was no advantage to any power, though it might serve to enrich our sailors; that commerce was the true interest of the two nations. I replied, that the sentiments of England were the same; and that his Majesty's Government had given a fair proof of them in abstaining from the detention of the Spanish vessels at a moment so critical as that of the arrival of all their specie, and under circumstances which would have perfectly justified such a measure; but that his Majesty wished rather to trust to the honour and generous feelings of his Catholic Majesty, persuaded that whatever appeared ambiguous or doubtful was the effect of circumstances, and not of any unfriendly inclination. He answered with more feeling and openness than I expected, that his Catholic Majesty was fully sensible of the confidence and generosity of his Majesty, and desirous of cultivating the best understanding with his Government.

Upon the whole, considering the disposition at present existing here, I cannot but consider it as extremely favourable, at the same time that it will require great attention and management to maintain it for any length of time upon its present footing.

It is to be considered that a degree of irritation equal to

what exists at present has existed on former occasions, but has as often subsided; and the Government, for want of encouragement or opportunity, and the absence of immediate provocation, have again relapsed to their old habit of acquiescence. The degree of provocation which has been given in the present instance, and accumulated in so short a space of time as the affair of Louisiana, Etruria, and Naples, is not likely to recur again. The feeling of resentment against France, therefore, will probably grow weaker, and the present disposition be materially altered, unless it is kept up on the part of England by marked and particular attention to this Court and its Minister.

No. 4.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 21st July, 1803.—Received 28th August.

My Lord,

I TAKE advantage of a private conveyance, to inform your Lordship of the little which has occurred since the date of my last.

In an interview which I had some few days ago with the Prince of Peace, I returned to the subject of the situation in which this country stood. He told me that it was his Catholic Majesty's intention to offer his mediation, and that the offer would be made in the form of a letter to his Majesty. I answered with expressions of great respect for the mediation of this court, and satisfaction at the form in which it was intended to be proposed; but suggested the propriety of departing from their usual system of gaining time, and endeavouring, on the contrary, to hasten this step, so that it might be connected with the mediation of Russia. I did not, however, find him disposed to agree with me in my opinion upon this point; on the contrary, he said, that the chief object of this measure was to gain time.

I ought to mention to your Lordship a circumstance which I cannot well account for. The Prince of Peace has repeatedly declared, that though some overtures have been made by the French Government upon the subject of the contingent, yet that no distinct demand has been made.

No. 5.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 5th August, 1803.—Received 12th September.

I TAKE advantage of a courier whom Mr. Frere is now dispatching, to inform your Lordship of the subject of a very important conversation which I had this morning with the Prince of Peace; and which amounted in substance to a declaration, that the demands and menaces of France had become so urgent, as to leave them no alternative between immediate compliance and a declaration of war. He endeavoured to shew me that they had made every proposition which could be thought of, to avert such an extremity; that they had even proposed to estimate the full expence of the contingent which was demanded of them by France, and to pay it to that Government as the price of their neutrality. This had been refused, and a demand made in return, of twenty-four millions per month. To this outrageous proposal an answer has been returned, that, all things considered, it would be more practicable and less ruinous to abide by the terms of the treaty, and to furnish the contingent. He then applied himself to prove to me, that if they were forced to a measure of this kind, and to a nominal declaration of war against Great Britain, it ought not to make any difference in the relations between the two countries, or in the good understanding between them. To this I answered, that I was sorry I could not give the kind of answer which he might expect; that it was my duty to be frank with him; and that, without giving any opinion of my own on the propriety of continuing the system of forbearance, which in the two last wars had been used with respect to Spain, it was not in my power to flatter him with a prospect of its continuance; that as nothing had been gained by so long a perseverance in this system, it was natural to expect that it would be renounced by Great Britain.

Having your Lordship's last instructions upon the subject of the contingent present to my mind, I did not enter further into the discussion, though I was persuaded that what I did venture to say produced a strong impression, and will incline the Prince to use every possible endeavour, as he assured me that he would do, to divert the French Government from the pursuit of their present demands.

No. 6.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 15th August, 1803.—Received 20th September.

I TAKE advantage of the passage of a courier from Mr. Souza at Paris, whom Mr. Frere has detained for a few hours.

Two days after the date of my last, I called upon the Prince of Peace, in order to take leave of him before he set off for St. Ildefonso. I found him in a temper and tone so different from that of our last conference, that I ventured to ask him what could have passed to have made such an alteration in so short an interval? He said that the day before he had had a long conversation with the French Ambassador, and that he had spoken to him in a tone which had had its weight. It is certain that this conference had been a very long and a very warm one; and the Ambassador came away with evident marks of discontent and ill-humour. It is certain that, since this conversation and the arrival of some couriers who were supposed to bring very important dispatches, he has very much changed his tone, and has even said to several persons, who he intended should repeat his conversation to me, that he was sorry that the English Minister appeared to give himself so much uneasiness; that in fact there was no ground for it; and that there was not any disposition on the part of France to make Spain a party in the war.

The present report, which I have not the means to verify before the departure of this courier, but which comes to me from good authority, is, that the French Government have successively reduced their demand to an hundred million of rials, or one million sterling, and since to seventy-two million; and that the present offer of the Spanish Government is sixty million, or six hundred thousand pounds, to be paid as an annual subsidy in lieu of their contingent.

No. 7.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Escorial, 9th October, 1803.—Received 9th November.

I HAVE to announce to your Lordship the conclusion of the negotiation between this country and France, agreeably to the conjecture which I stated in my last report to your Lord-

ship upon the subject; namely, that, for the present moment, the difference would be patched up with money; and that it can only be for the present moment, your Lordship will easily conceive from the exorbitance of the sum, which is no less than six millions of livres a month; a sacrifice beyond the ability of Spain to furnish, and, as I have distinctly explained to the Prince of Peace, far exceeding the limits of any thing but a mere temporary connivance on the part of England.

On the 3d instant, M. Herman arrived from Paris, and the same evening had a conference with the Prince of Peace at this Sitio. The next day, there was a second conference; at which M. Cevallos was present. And on the following day, the Prince of Peace sent to acquaint me that every thing was settled; that they had made every sacrifice to preserve their neutrality; and that they had finally consented to pay six millions of livres a month.

The terms, it seems, which M. Herman had been instructed to demand, included the payment of arrears pretended to be due since the beginning of the war, at this same rate, together with a payment in advance, the amount of which I could not learn. The result of these conferences was, to reduce them simply to the monthly payment of six millions of livres. Upon M. Herman's return to Madrid, General Bournonville set off himself for the Sitio. He had two successive conferences with the Prince of Peace; which terminated in obtaining some further addition to the terms which had been extorted by M. Herman, the exact nature of which I have not yet been able to learn. When I pressed the Prince of Peace upon the subject of the treaty, he said that there was nothing but an additional article about the transit of French woollens to Portugal. I then asked what security was obtained for that country; he said that was settled: Portugal was to pay a million of livres a month; that the demand upon Spain was extravagant in comparison; and that had been made so, he believed, with a view of a future ground of quarrel, in case they should find themselves unable to fulfil the engagements which they had been forced to enter into. He said, however, that orders had been sent to M. Azara to sign a treaty; and that they should think no price too great for the maintenance of their neutrality; and he added something, which implied a presumption that such a neutrality might continue through the war. I interrupted; and reminded him of what I had said on a former occasion on the same subject, that I thought it possible that Great Britain might connive at a trifling sacri-

free, such as that which was exacted from Portugal, or even as the present, if considered merely as a temporary measure, and intended to give time till the disposition of the great powers of Europe should be more decidedly known, and till those powers themselves should be acquainted with the circumstances and situation of the country. He asked, how was it possible for Spain to act otherwise? That their conduct was the effect of their weakness, and not of any real hostility to England. I admitted it; but added, that the effects were the same: that a subsidy, such as they were about to grant, was a much greater injury to the interests of England than any that could be apprehended from their hostility. He admitted this; but pleaded the utter impossibility of resistance, and the necessity of submitting to demands which were backed by such a force. I said, that I hoped that these considerations would induce England to forbear for a time, and that I would most earnestly recommend it to him to look to something beyond the present, which could serve as nothing but a temporary expedient.

No. 8.

Extract of a Dispatch from John Hookham Frere, Esquire, to Lord Hawkesbury, dated Escorial, 9th October, 1803.—Received 9th November.

I HAVE reserved for a separate dispatch, some particulars which may perhaps appear interesting to your Lordship, with a view to forming a judgment respecting the measures to be pursued by Great Britain, in consequence of those which have been adopted by this court in their present emergency; and I mention them the rather as they may perhaps appear necessary to justify my remaining here, which I have determined to do till such time as I can receive instructions from home. Your Lordship may rest assured that the compliance of the Spanish Government is the effect of fear and constraint; and that fear is nothing less than the apprehension, by no means an exaggerated one, of seeing a French army at Madrid, before there could be any possibility of their receiving support or assistance from abroad. Under these circumstances, and knowing the character of this Government, it will not appear extraordinary to your Lordship, that they should have preferred a remote danger to one which was pressing and immediate. At the same time I can venture to say, that there never was a time in which the British Govern-

ment or the British nation were more popular here; not only with the country in general, but with the court, with the person in power, and with the royal family; and it is but doing them justice to say, that the liberality and generosity of his Majesty's conduct has been felt in the manner it ought; while, on the other hand, the disgust which has been created by the brutality and insolence of the French, has risen to such a pitch as to break through all disguise.

No. 9.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Escorial, 11th October, 1803.—Received 9th November.

AFTER having written the two preceding dispatches, I determined once more to call upon the Prince of Peace, in order to learn from him, if possible, something further respecting the additional terms insisted upon by General Bournonville. He told me that our conference must be as short as possible; that he had only to tell me, that he had not yet signed any thing, and that most probably he should not; but that all depended upon the disposition of Portugal, and upon the answer which he might get from Mr. Frere when he should see him the next day. I asked him what the additional terms were? He answered that they were wholly inadmissible; that they demanded, "l'éloignement des troupes et le passage." I said, the passage through Spain to Portugal? He answered, "le passage partout—enfin la dispersion de nos troupes—dans nos ports—partout." I reminded him of the declaration which the Portuguese Government had given, that they considered the Pyreneans as the common frontier which protected the two countries; and I assured him that England would not suffer Portugal to shrink from this declaration in a case like this, which undoubtedly involved the two countries in a common danger.

No. 10.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 7th December, 1803.—Received 30th December.

SINCE the date of my last the events of this Court have proceeded in the channel to which they stemmed naturally

tending; and the ratification of the treaty has taken place. It has been agreed that of the six millions which were stipulated to be paid monthly, two are to be set apart for the reimbursement of the Spanish claimants upon the French Government, and are consequently to be kept by this Government, in order that they themselves may satisfy the demands of their own subjects. Since the arrival of the ratification a new claim has however been set up, for the payment of arrears amounting to about a million sterling, and which are pretended to be due since the beginning of the war. As yet no payment has been made either upon this account or that of the monthly subsidy.

No. 11.

Copy of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing-Street, 21st January, 1804.

Sir,

HIS Majesty's Government having received frequent complaints from several commanders of his Majesty's ships of war, of the unfriendly treatment to which they are exposed in the ports of Spain, (more especially in that of Ferrol), and of the refusal which they have experienced in many instances of permission to purchase in those ports provisions, and other necessaries for the use of the respective ships of war under the command of those officers; I have to signify to you his Majesty's pleasure, that you make the most forcible representations upon this subject to the Spanish Ministers; and that you state to them his Majesty's just expectation, that the commanders of his ships of war shall have full liberty to purchase in the ports of Spain provisions, and any other necessary articles of which they may be in want; and, generally, that they may be treated precisely in the same manner as the commanders of the ships of war of the French republic, or of any other country which may be at peace with his Catholic Majesty.

I am, &c. HAWKESBURY.

J. H. Frere, Esquire, &c. &c. &c.

No. 12.

Copy of a Dispatch from J. H. Frere, Esq. to Lord Hawkesbury, dated Madrid, 3d March, 1804.—Received 29th.

My Lord,

THE enclosed note upon the subject of the armaments supposed to be destined to sail from Ferrol, was dispatched by

messenger to Sir Edward Pellew before I thought it advisable to mention the subject of it to the Government. On my speaking of it to the Prince of Peace, he positively denied any such intention, which saved me from the necessity of informing him of the step which I had taken.

It has been mentioned to no one except to the American Minister, who had been greatly alarmed, conceiving that the armament was destined to oppose the occupation of Louisiana. The troops still remain in Galicia, but all idea of their being destined to foreign service seems now at an end.

The American Minister has received a note, in which the claim of his Government to Louisiana is formally recognized. The only remaining difference is with respect to its limits, which have been construed to comprehend West Florida.

I have the honour to be, &c.

J. H. FRERE.

(Enclosure in No. 12.)

Copy of a Letter from J. H. Frere, Esquire, to Sir Edward Pellew, dated Madrid, 28th January, 1804.

Sir,

IT appears that this Court have it in contemplation to send out a considerable expedition from the port of Ferrol, consisting, at the lowest estimation, of about six thousand men.

Though it is not evident that they have any immediate object of hostility in view, yet, in the present situation of the two countries, I should consider myself as wholly inexcusable if I were to connive at the execution of a measure of such an important, and, under all its circumstances, of so suspicious a nature. I must therefore recommend it to you as an object (as it appears to me) of the utmost consequence to his Majesty's service, that the sailing of the above-mentioned armament should be opposed; first, by a declaration of your being authorized to oppose it by force, and finally, by the execution of force, if unhappily such an extremity should become necessary.

The expedition cannot I suppose be in a state to put to sea for some weeks; and it is possible that the protests, which I shall think it my duty to make, may so far delay it, as to render it possible to receive instructions from England. In the mean time however, and unless you should yourself receive instructions to the contrary, I beg to be considered as charging

myself with any responsibility which may attach to the measure which I recommend.

As it is my wish to avoid any needless appearance of menace, I would advise the utmost secrecy upon the subject of this letter. I shall myself communicate it to the Ministers here, but to no one else. They will, I apprehend, be much more disposed to give way, when they find that our discretion enables them to do so with decency.

(Signed) J. H. FRERE.

No. 13.

Copy of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, 4th March, 1804.—Received 29th March.

My Lord,

I HAVE the honour to enclose a translation of the answer which M. Cevallos has returned to the representations which I was instructed to make in consequence of the permission given to the enemy of equipping their privateers in the ports of the island of Cuba.

I have the honour to be, &c.

J. H. FRERE.

Right Honourable Lord Hawkesbury,
&c. &c. &c.

(Referred to in No. 13.)

Sir,

Aranjuez, 3d March, 1804.

I HAVE given an account to the king my master of the note which you were pleased to address to me under yesterday's date, concerning the permission given in St. Jago de Cuba, and other places under the jurisdiction of the Captain General of that island, to arm privateers which annoy the British commerce. And his Majesty, being informed of what you have expressed upon this subject, has directed me to reply, that there exist in this Ministry repeated proofs of the circumspection and prudence with which the Captain General of the isle of Cuba has conducted himself in the present circumstances, as well as during the whole of his government; but that, notwithstanding, the complaint which you have made shall be communicated to him, with a repetition of the strictest orders, not to permit the least violation of neutrality,

which can injure the good understanding between the two sovereigns. His Majesty has likewise ordered me to assure you, that if the Captain-General should prove to have acted in opposition to the friendly intentions of his Majesty, he will make known to him his royal displeasure.

In this answer, you will see nothing but the continuation of the uniform wish of the King my master, to preserve, scrupulously, the strictest neutrality, and that his Majesty neglects no means for preserving with his Britannic Majesty the good understanding which happily subsists between both monarchies.

(Signed) PEDRO CEVALLOS.

J. H. Frere, Esquire, &c. &c. &c.

No. 14.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Hawkesbury, dated Madrid, the 5th of March, 1804, and received the 29th.

A CONVERSATION which I had this morning with the Prince of Peace, has so much confirmed me in the opinion which I have already stated to your Lordship, that I cannot avoid mentioning some particulars of it. It seems the French had sent to demand the payment of an instalment of their subsidy, which I suppose impressed the subject more strongly on his mind. After a good deal of other conversation, he complained of the uncertainty in which they were kept with respect to the intentions of England; that their trade was ruined; that the merchants dared not make any expeditions; and he concluded by dwelling on the general embarrassment created by their present uncertainty of bringing home their money from America, and the scarcity and distress throughout the country. I said that I had already mentioned to him the necessary preliminary to any understanding upon this head, namely, the communication of the treaty. He repeated the same objection which he had made use of before, and which is mentioned in a former letter to your Lordship; and when I remarked upon the unreasonableness of expecting that Great Britain should give her assent to an unknown agreement, he said that it was a subject in which he had nothing to do, and which belonged to the Secretary of State. I shall accordingly make it the object of a conference with M. Cevallos, and intend going to Aranjuez for that purpose.

No. 15.

M. d'Anduaga to Lord Hawkesbury, dated Portland Place,
9th March, 1804.

My Lord,

HAVING received from my court, by the last packet from Lisbon, some interesting dispatches, I wished to converse with your Excellency on the subject of them; but Mr. Hammond having given me to understand how extremely occupied your Excellency is at present, I have thought, that, to give your Excellency the least possible trouble, and at the same time not to neglect the execution of the orders which had been sent to me, I should do better, and it would even be more agreeable to your Excellency, to give you without delay, and confidentially, some idea of the object of the audience which I requested of your Excellency through Mr. Hammond. That perfect confidence, with which your Lordship has inspired me, leads me to communicate to you, without reserve, every thing which can in any wise contribute to convince your Excellency as well as the British Ministry, of the amicable intentions, and of the pacific sentiments of my Court.

You will recollect, my Lord, that whenever I have had the honour to converse with your Excellency on the principles on which the English Government might consent to the neutrality of Spain in the present war, even though she furnished to France those succours in troops and vessels stipulated by the treaty of 1796, as well as on the means by which it might be accomplished, I earnestly requested the British Ministry maturely to consider this affair, before they took a decisive resolution; since, exclusive of the reasons which I then alleged in support of the system which I proposed, it never would happen that Spain would furnish, either a single vessel, or a single soldier, against England; since, according to accurate intelligence, the Spanish Government would then have already entered upon a negotiation with France to substitute money in the place of the succours in troops and vessels; and that this substitution being reciprocally advantageous to both countries, it could not but be effected without difficulty. I considered myself as so much the more authorized to speak with such confidence, as I supposed England perfectly agreed with us in this point; since, in none of our conversations, in which your Excellency constantly testified to me an opposition to the fur-

nishing by Spain of succours in kind, and principally in ships, did you ever make any mention of pecuniary succours.

It was in consequence of this persuasion, to which I myself contributed, that Spain determined to make that sacrifice of money, which she has made by her last treaty with France, flattering herself that she would by this means insure to herself the friendship of England; else, how would it be possible that Spain would have signed a treaty of this nature, if it was not in order the better to obtain the accomplishment of her pacific wishes with respect to England? Can it be imagined, that Spain would be induced to make sacrifices in order to avoid a war, and that at the same time she would have reason to fear, that these very sacrifices would be a subject of discontent for the British Ministry?

The British Government, not having therefore taken it amiss, that Spain should furnish money instead of the troops and ships stipulated by the treaty of 1796, cannot moreover complain, if the sums to be paid by Spain be proportioned to the expences which she must have been at for the maintenance of the abovementioned ships and troops: it would even be inconsistent to refuse the second condition, after having tacitly acquiesced in the first: in the event even of Spain having promised to France something more than an equivalent, it would not be the fault of my Court. All the world well knows, that she would not in that case have done more, than submit to the necessity of circumstances; for, from the very moment that England opposed itself to the furnishing by Spain of succours in kind, there remained for her no other course to take, than that of concerting with her ally the amount to be fixed upon as the equivalent.

Although there is no reason to believe, that the French Government has exacted from my Court more than an equivalent to the stipulated succours, it is nevertheless painful to recall at this moment to your Excellency, one of the observations which I made during the negotiation, in order to induce the British Ministry to recognize the neutrality of Spain, even though she should furnish the succours in kind; namely, that if England had adhered to it, she would have obtained two great advantages: first, that of performing a striking action of justice and of policy, an action conformable to the law of nations, and likely to gain over to her the suffrages of all Europe: secondly, that of depriving France of all means of increasing her claims on Spain, in case she should wish so to do.

If the treaty of pecuniary subsidies lately concluded between Spain and France deserves every attention on the part of the British Government, when examined with respect to the pacific views which were the motive of the former of these powers for concluding it, and to the circumstances which preceded and accompanied its conclusion, it is not the less an object of forbearance and of approbation for England, if regard is had to the saving which it procured to that power of an augmentation of naval forces which she would have been forced to make, to oppose to the vessels which Spain would have furnished to France, supposing that the treaty of pecuniary subsidies had not been concluded.

To this advantage must be added another, which is not of less importance to England; it is, that as long as Spain shall pay the pecuniary subsidies lately stipulated, the French Government cannot engage its ally in any step contrary to the laws of the strictest neutrality; and that, with this security, England may concentrate its military operations in the employment of all its land and sea forces.

The facts and the reflections which I have now laid before your Excellency, prove, first, the sincerity with which Spain has desired, and still desires, to maintain her friendship with England. Secondly, that her conduct has been in perfect conformity with these desires. Thirdly, that in her last treaty with the French Government, she has sought to conciliate her relations of friendship with England, and her duties towards France: in short, that England reaps real advantages from the said treaty of subsidies.

From all that I have now stated, there cannot remain a doubt, that the Court of Spain, as well from the good faith which it has manifested in all its proceedings during the negotiation, as from the reiterated proofs which it has constantly given to the British Government, of its sincere desire to continue its relations of friendship with them, has an incontestable right to the most perfect reciprocity on the part of England, of whose sentiments I have never entertained the least doubt, particularly since the conferences which I had with your Excellency on the 21st and 26th January last.

In these conferences, on the subject of which I have infinite satisfaction in reflecting, your Excellency manifested the most just and most valuable sentiments with regard to Spain. They discovered to me, how fully sensible his Britannic Majesty's Government were of the situation of my Court with

respect to France at the moment of the conclusion of its treaty with her; and that, entering into all the considerations which could have induced Spain to agree to any thing which might displease England, they would be ready to give way to them, provided that Spain acted frankly with the English Government, and that she manifested in the rest of her conduct that good faith which is consonant to a friendly power, who observes a neutrality towards belligerent powers. This declaration, which I hastened to transmit to my Court by the same messenger which your Excellency dispatched the very day in which the first conference was held, must necessarily have met with the most favourable reception at Madrid. It will even have dissipated the doubts and fears to which Mr. Frere's note of the 13th December, (on the meaning of which, the Spanish Ministry requested Mr. Frere to demand explanations of his Government), had given rise. But as, during this interval, Mr. Frere delivered a second note, in which the Spanish Ministry could not yet discover what might be the intention of England in the last step which Mr. Frere had taken, they have thought it indispensable, to order me to request the English Ministry to explain themselves in a frank and precise manner as to their intentions towards Spain. Now, since it is important that, in an affair which so deeply interests both Governments, and on the principle of which having always agreed, they have mutually invited each other to explanations, they should hasten to communicate their respective wishes—I think that it will be very advantageous to both Courts, that I should converse with your Excellency on some points, which may facilitate the accomplishment of these wishes.

It is for this reason, my Lord, that I take the liberty to request of you a conference. I flatter myself, that your Excellency will grant it to me as soon as possible, particularly, as, from the instructions which I have received from my Court, the result cannot but be very favourable.

I avail myself with eagerness of this opportunity to, &c.

(Signed)

The Chev. D'ANDUAGA

His Excellency Lord Hawkesbury,
principal Secretary of State
for Foreign Affairs.

No. 16.

Chevalier D'Anduaga to Lord Hawkesbury, dated Portland Place, 30th March, 1804.

My Lord,

IT is with the greatest eagerness that I desire to confer with your Excellency, on the contents of the dispatches which I have just received from my Court by the last packet arrived from Lisbon. They afford the fullest confirmation of every thing which I have had the honour to state to your Excellency in all our conversations, and especially in those of the 21st and 26th January, respecting the sentiments and conduct of the King, my master, towards his Britannic Majesty. I will not here repeat the answer which his Excellency the Chevalier de Cevallos gave to Mr. Frere, on the 27th February, with regard to the complaints brought forward in his three notes of the 23d and 24th of the same month. This answer, as well from its simplicity and the force of its reasoning, as from its conciliating spirit, and the most positive assurances of the King's uprightness in all his proceedings, the sincerity of which is supported by well-known facts, cannot leave on the British Government the least doubt as to the conduct of Spain in the neutrality which she has adopted with regard to the belligerent powers. I suppose, my Lord, that this answer will have reached you, and I refer you entirely to it.

But as I have never lost any opportunity of informing my Court of every thing which could contribute to accelerate a perfect understanding between the two Governments, relative to the neutrality of Spain, and especially of the fears manifested by the British Government, lest any thing to the prejudice of England should have been stipulated in the treaty of neutrality concluded with France, I hasten, my Lord, to communicate to your Excellency what the Chevalier de Cevallos informed me in this respect on the 4th March last. "In the treaty of neutrality with France," says he, "we have not admitted any article prejudicial to England; and we have rejected some which appeared foreign to a treaty of subsidy. In order to fix the amount of these, regard has been had to the expence, which the succours in kind, such as are stipulated in our treaty of alliance with France, would have cost us.

One part even of these subsidies is retained for the payment of the sums owed us by this power. We have, without violating our neutrality, afforded to the English all the succours of which their vessels have been in need. Our conduct towards the French has also been governed by the same principles. The notes transmitted to his Britannic Majesty's Minister, resident at this Court, breathe nothing but candour, good faith, and the desire to preserve the strictest neutrality: the most recent proof of this is the note which I transmitted to him on the 26th February last, in answer to several complaints which he had addressed to me, and of which I send your Excellency a literal copy, to enable you to make use of it to Lord Hawkesbury. You will there observe, that Mr. Frere makes no return to our candour, and to our *overture*; since at the very time he protests that his Government entertains the most ardent desires to keep up a good understanding with Spain, he throws out propositions capable of alarming us, and of clogging our commerce, although we have demanded of him clear and definite explanations. In short, I can assure your Excellency, that nothing relative to commerce has been stipulated in the treaty of subsidy."

I flatter myself, my Lord, in previously making you this prompt and friendly communication, that your Excellency will grant me as soon as possible an audience, in order that we may confer together on objects which are so deeply interesting to both Governments.

I avail myself of this opportunity, &c.

(Signed) The Chevalier D'ANDUAGA,

To His Excellency Lord Hawkesbury,

Principal Secretary of State for

Foreign Affairs.

No. 17.

M. D'Anduaga to Lord Hawkesbury, dated Portland Place, 1st May, 1804.

My Lord,

HAVING sent to my Court a copy of the confidential note, which I had the honour to transmit to your Excellency on the 27th March last, on the subject of the neutrality of Spain, I have the satisfaction to announce to your Excellency, that the King, my master, has entirely approved of its sen-

ents, and that his Majesty has found therein the faithful expression of his loyal intentions, and of his pacific views towards England. With this I am made acquainted by the Chevalier de Cevallos, in his dispatch of the 1st April, who adds, "that in order not to leave the British ministry the least room for doubt on the real system of our court, his majesty had acceded to the conditions which Mr. Frere had demanded, as necessary for insuring the acknowledgment and observance of our neutrality on the part of England." The Chevalier de Cevallos at the same time transmitted to me a copy of the answer which he returned to Mr. Frere's note of the 18th February last, and I have the honour to send you a literal translation of it, by which your Excellency cannot fail to be convinced of the sincerity of all my communications, and of the constant dispositions of my court to strengthen, and increase the relations of friendship which subsist between the two governments.

I avail myself, &c.

(Signed) The Chevalier D'ANDUAGA,

His Excellency Lord Hawkesbury,
Principal Secretary of State for
Foreign Affairs.

(Enclosure in No. 17.)

IN order to answer the note which you did me the honour to transmit to me on the 18th February last, respecting several points relative to the neutrality of Spain, as with regard to England and France, in the present circumstances of Europe, I have taken that time which the importance of an affair so interesting to the common happiness of the subjects of both sovereigns required.

In the abovementioned note, after having proposed the points or basis on which your court founds the acknowledgment of our neutrality, and wisely discussed the advantages and consequences of each of those points: you conclude by proposing definitely by order of your Government, as the basis of the said acknowledgment, the cessation of all armaments, and of the sale of prizes carried into the ports of these kingdoms; adding, that you are not authorized to admit any modification of this definitive proposition.

As to the first point, that is to say, the cessation of all armaments, I have nothing to add to that to which, on different

occasions, and particularly in my note of the 8th of January last, I have had the honour to communicate to you, since the conduct of this cabinet, under the present circumstances, ought to dissipate every shadow of doubt of any hostile intentions on the part of the King my master; and consequently, I am persuaded that his Britannic Majesty's wishes and demands are entirely satisfied on this point.

With regard to the cessation of the sale of prizes brought into the ports of Spain, although that affair was susceptible of great difficulties, they have, nevertheless, been surmounted by his Majesty's pacific wishes; and you may assure your court, that, conformably to your demands, the sale of the prizes of either of the belligerent nations brought into the ports of these kingdoms will not be permitted, his Majesty having given orders relating thereto, which will be rigorously observed.

His Majesty hopes, that as this prohibition is really prejudicial to his interests, and to those of his subjects, the King of Great Britain will look on this condescension as the most efficacious proof of his desire to preserve the most perfect understanding with his Britannic Majesty, and as imposing on England a fresh obligation to have for Spain all the considerations due to the uprightness, the good faith, the generosity, and the pacific views of the King my master.

I am, &c.

(Signed) PEDRO CEVALLOS.

No. 18.

Extract of a Dispatch from J. H. Frere, Esquire, to Lord Harrowby, dated Madrid, 5th July, 1804.—Received 27th July.

THE subsidy paid by this country to France had been regularly acquitted up to the month of May, at the rate of 800,000 dollars per month. A new expedient has since been hit upon for enabling the French Government to avail itself of the resources of Spain to an extent which will not be limited by those difficulties which must sooner or later have put a stop to the extraction of specie. A loan of five millions of dollars has been negotiated at Paris in favour of this government, or more properly speaking, in favour of that of France, as it is not to be imagined that any part of it will ever find its way into this country, or be applied to any other

purpose than that of the payment of the stipulated tribute. It is agreed that the capital is to be repaid at the end of three years; the annual interest to be six per cent., with an allowance of three per cent. for commission upon the whole capital subscribed; there is besides a further advantage allowed to the contractors, namely, a privilege of exporting, free of duty, a quantity of dollars, to the amount of the capital subscribed; this cannot be calculated at less than six per cent. and may be much more. These sums, therefore, divided amongst the three years, make at least an additional three per cent., and give nine per cent. as the lowest rate of annual interest paid by this government for an exigible debt. It may, I should imagine, be safely reckoned as only a little short of ten per cent., or nearly the rate of interest upon the vales, which bear six per cent., and are at a discount of thirty-six.

No. 19.

Copy of a Dispatch from Lord Harrowby to B. Frere, Esq. dated
Downing Street, 29th September, 1804.

Sir,

THE preceding dispatch is written with the view of being read in extenso to M. de Cevallos, in your conference with him; and if you should find it necessary to make any communication in writing, you will frame it in exact conformity to the instructions contained in that dispatch.

After the step which has been taken by the Court of Spain, it is impossible to rely implicitly upon any assurances, however positive; and you will therefore take the most speedy and effectual means of learning, with certainty, at Ferrol, at Carthagená, and at Cadiz, whether the armaments have been countermanded, and the orders for that purpose are actually in the course of execution; and you will forward without delay the intelligence you may receive from those ports.

In every view in which the subject has been considered here, it has appeared so improbable that any explanations can be given by the Court of Spain, of the motives of this armament, which can induce his Majesty to acquiesce in its continuance, that I have not adverted to that case: but if, contrary to expectation, any explanation should be offered, which in your judgment appears satisfactory, you are authorised to suspend your departure from Madrid until his Majesty's pleasure can be taken; but you will expressly declare, that you

have no authority to suspend during that interval the execution of those measures of precaution which his Majesty has already thought it necessary to direct to be taken.

B. Frere, Esq.

No. 20.

Extract of a Dispatch from B. Frere, Esq. to Lord Harrowby, dated Madrid, 12th October, 1804.—Received 2d November.

THE accounts, which I have received from Mr. Duff since my last, mention that there is no appearance whatever in the harbour of Cadiz of an intention to arm.

No. 21.

Letter from the Chevalier D'Anduaga to Lord Harrowby, dated Portland-Place, Dec. 22, 1804.—Received 23d.

My Lord,

AFTER the abrupt and unexpected manner in which the British Chargé d'Affaires at Madrid has broken off all diplomatic communication with the Spanish Cabinet, I might well dispense with recalling to your Excellency's attention the completely pacific proceedings which have constantly marked the system followed by my Court towards England; but desiring, conformably to his Majesty's orders, to shew to the last moment that spirit of conciliation which constitutes the essence of my mission, and the distinguishing characteristic of my Sovereign, I have thought it my duty to make yet one more effort, tending to shew in its true light the frank and friendly conduct which the King has not ceased to display since the rupture between France and England, amidst the difficulties of his situation with regard to the two belligerent Powers.

From the very moment that the King had learned the commencement of hostilities between France and England, his Majesty gave all his attention to the manner in which he should conduct himself in order to prevent all room for discontent on the part of these two states, and to the system which he would have to follow in such a conjuncture, in order to conciliate his engagements as the ally of France with his duties of friendship towards England. Although his Majesty knew very well, that his quality of auxiliary to the first of these powers was in nowise incompatible with that of friend to the second, he was, from the very first, perfectly sensible,

and his opinion has been since confirmed by accounts from his Minister at London, that the British Government would, with difficulty, consent to his furnishing to France succours, such as are stipulated by the treaty of 1796. In this persuasion, and, in order to remove every hostile appearance in his connections with the latter power, he resolved to propose to his ally the conclusion of a new treaty, by which pecuniary succours should be substituted for the succours in troops and ships, which he had engaged to furnish to France by the treaty of alliance. After long and difficult negotiations, the King congratulated himself on having at last obtained the object of his amicable views, by the conclusion of a treaty of subsidy.

Confiding in the uprightness of his intentions, and in the pacific sentiments which had prompted him to take this step, his Majesty was fully persuaded that the British Government would not fail to appreciate this very unequivocal mark of friendship. The complaints brought forward soon afterwards by Mr. Frere against the abovementioned convention—complaints which he has at different times renewed, though always in very vague terms, and without ever making an essential and decisive point of them—were therefore a real subject of surprise to his Catholic Majesty. Nevertheless, answers full of moderation and candour were by his order made to them, in which answers were set forth the motives which had led him to make a treaty of which the English Government had the less room for complaint, as it was solely out of regard to them that his Majesty had determined to conclude it.

At nearly the same time, his Britannic Majesty's Minister having addressed to my court representations on the armaments which he pretended were carrying on in our ports, and which he supposed to be directed against England, his Majesty ordered answers to be in like manner made to him, "That the views of the Spanish Government were very far from any motive of hostility; that his Britannic Majesty could not mistake pacific intentions of the King of Spain, who had given him so many incontestible proofs of friendship; and that these proofs were manifested as well in the sacrifices made by the King to secure peace, as in the severity exercised, even before it was demanded, towards those of his subjects who had acted contrary to the duties of neutrality. In fine, that, according to these data, there did not exist the least cause for apprehending that Spain would engage in fur-

her armaments, for that would be acting against her pacific system."

At the same time, as the Court of Madrid was not enabled to form an exact and fixed judgment of the principles and the conduct which the British Government proposed to follow, on account of the equivocal language in which Mr. Frere always enveloped his representations, it invited him to express himself in a clear and precise manner as to the intentions and the views of his Government with regard to Spain. It was in consequence of this frank and friendly invitation, that his Britannic Majesty's Minister at last particularized to my Court, in a note which he transmitted to it on the 18th of February last, the conditions on which his Government would be disposed to recognize the neutrality of Spain. These conditions were, the suspension of all ulterior armament, and the prohibition of the sale of prizes in his Majesty's dominions. Not having exacted others, it is perfectly clear, that the British Ministry engaged itself thereby to respect the neutrality, as soon as the King, my master, should acquiesce in these conditions.

His Majesty, who had resolved to make every sacrifice compatible with the welfare of his people, in order to secure to them the benefits of a solid peace, determined to forbid the sale of prizes in his kingdoms; which prohibition took place on the 23d of March last: and with regard to the armaments, he renewed the assurances which the British Government had already received on this head; assurances, the sincerity of which was well guaranteed by the lively interest which his Majesty has constantly attached to the maintenance of peace, since the rupture between France and England.

This eagerness of the King to fulfil all the wishes of the British Cabinet, and the painful sacrifice which his Majesty had just made of the advantages which the sale of prizes in the ports of Spain held out to Spanish commerce, ought to have completed the confidence of England, and to have eradicated from the opinion of its Government every atom of doubt on the pacific sentiments of my Court: Accordingly, the English Minister seemed to have felt all the value of such sacrifices, since he brought forward no more complaints, and that the most perfect harmony seemed every day to unite more and more the two governments.

Such were the relations subsisting between the two nations, when, in the month of September last, some discontent having broken out in Biscay, his Majesty ordered the embarka-

tion of a part of the troops which were in garrison at Ferrol, in order to their being transported without delay to the place where the disorder had occurred. Then it was, that the enemies of Spain, sounding the alarm, under the pretext that considerable armaments were carrying on in her ports, sought to communicate their feigned uneasiness to the British Government, by placing before them in the most hostile colours, a measure as foreign to the interests of England, as it was indispensable to the stifling in their birth movements, which had manifested themselves in a province of Spain. Then it was, that the British Chargé d'Affaires, hurried on by reports which malevolence had exaggerated, and without examining either the nature, the extent, or the well-known object of these pretended armaments, made complaints of them in a note, dated the 27th of September last, in which he represented them as an hostile aggression against his government, and as a defiance given to England, and expressed himself in other terms not less injurious to the reputation of the King, than contrary to the relations which subsisted between the two countries.

Although such reproaches, in return for the proofs which the King had always given of his eagerness to strengthen the bonds of friendship which united him to the British Government, were of a nature to excite in him the greatest surprise, his majesty, nevertheless, directed answers to the intemperate representations of Mr. Frere to be made with that moderation which is the most striking point in the history of his political conduct; a moderation the more signal from this circumstance, that the abovementioned armament, which excited so much sensation, was confined within the limits prescribed by an agreement, which was concluded on the 19th of October, 1803, between the two governments, since it was restricted to the same number of vessels which were already armed before this epoch; and what proves still more clearly the pacific views of the King, is, that the armament in question had been suspended by his Majesty's orders some days before the British Chargé d'Affaires had brought forward his complaint on the subject.

Notwithstanding this, notwithstanding the assurances of friendship and good faith expressed in the answer of my Court, notwithstanding the absolute cessation of these pretended armaments, on which the enemies of peace had founded their criminal hopes (a cessation of which the British Chargé d'Affaires could not be ignorant), instead of softening

the menacing tone which he had at first adopted, instead of resuming that friendly language which the perfect justification of my Court required of him, he did but accumulate fresh reproaches, the harshness and injustice of which began to reveal the hostile system which he has not since discontinued.

The British Government on their side, forgetting on a sudden the pacific relations which they had maintained during several months with my Sovereign, and without waiting for more exact and less suspicious information on our preparations at Ferrol, from whence it had received none but exaggerated accounts, brought by the Naiad, and which is still more astonishing, without paying attention to the information which I transmitted to it through the channel of your Excellency, on the innocence and the true object of these pretended armaments, did not hesitate to give that extraordinary order, which, as well from its nature as from its disastrous consequences, must have struck with horror every Cabinet in Europe. Instead of beginning by demanding explanations from my court on the subject of these alarms, it breaks off the good understanding which subsisted between the two nations, by an act of hostility of which the most rancorous wars scarcely afford an example; and, as if it feared that the explanations of the Spanish Minister, and ulterior accounts from Spain, would force it to respect a neutrality, to which it seemed absolutely determined to put an end, it hastened to make war against her without any previous declaration, and even in the midst of the most profound peace. The 5th of October was witness to the shedding of the innocent blood of several women and children who perished victims of an unheard-of violence! And this blood was shed by the hands of a nation, whose government themselves declare afterwards that they are not at war with Spain!

Before the news of this dreadful event came to the knowledge of the King, the British Chargé d'Affaires seems to have made it his business to exasperate his Majesty by all imaginable means. Not being able to conceal from himself the frivolity of his accusations relative to our preparations at Ferrol, since their existence had ceased a long time before, he was obliged to call to his aid some new grievances, as slightly founded as they are destitute of good faith. He did not fail to make new demands, some of them contrary to what had been agreed upon between the two governments, the others entirely inadmissible from their injurious tendency. Thus it is that he exacted from my court the engagement, "That no

armament whatever should be carried on" in the ports of Spain, whilst his government and himself had consented that the naval forces of Spain should be kept up on the same footing as they were at the time of the abovementioned agreement. Thus it is, that he pretended that his Majesty had always refused to give a distinct explanation with regard to his engagements with France; that without this previous communication the British Government had never been willing to consent to the neutrality of Spain; in short, thus it is, that he ended, by imperiously demanding this communication, although without declaring what would be the ulterior conduct of his court, in case his Majesty should acquiesce in this demand.

The King, my master, might have refused an answer to this extraordinary summons. The inaccuracy of the suppositions on which it is founded, and the previous steps of the British Ministry, who, amongst the conditions fixed by England for the acknowledgment of the neutrality, had not comprised the necessity of a similar communication, sufficiently authorized his Majesty not to attend to a demand of this nature. Your Excellency knows, that, immediately after the conclusion of the treaty of subsidy, the British Government addressed to my court representations, the object of which was by no means to demand a distinct explanation with regard to the engagements which that treaty contained, but positively "to declare that the furnishing the pecuniary advances, as stipulated in the convention concluded with France, could not be looked upon otherwise than as a war subsidy, &c."—These expressions, the very same as used by the British Minister in the note which he delivered to this effect on the 3d of December last, do not admit the doubt that his Government was not at that time thoroughly acquainted with the contents of the abovementioned convention. Had it been otherwise, could Mr. Frere have held this language without knowing the extent of our subsidies, especially after having declared in the same note, "that his Government was disposed to overlook such pecuniary sacrifices as should not be of sufficient magnitude to force attention on account of their political effects?" If therefore they were then acquainted with the amount of the sums which his Majesty had to pay to France, how could they now be ignorant of it? And not being ignorant of it, what end do they at present propose to themselves in demanding the disclosure of a secret which could never have been one to them?

Supposing even that his Majesty's engagements with France,

with respect to the subsidies, should still remain a mystery to the British Government, it would not be less true; that they have no longer the right to demand a distinct explanation on this subject, at least, as a condition essential to the maintenance of peace. If the British Government attached so much importance to this communication, that they thought it right to make it a condition, without which they would not engage to respect the neutrality of Spain, they ought to have expressly declared so at the epoch, when, yielding to the solicitations of my master, they fixed the basis of a permanent and solid neutrality. Not having then acted in this manner, they had no longer a right to do so; for otherwise, that act, whereby the conditions essential to neutrality were settled, and the object of which was evidently to remove the uncertainty of those relations which subsisted between the two courts, would be entirely illusory, since it would still leave to England a facility of continually adding fresh conditions to those already agreed on. Hence it follows, that the British Government could no longer exact a distinct explanation on the subject of the subsidies, as the price of their respect for the neutrality of Spain, so long as the two conditions relative to the armaments, and to the sale of prizes, should be strictly fulfilled.

Notwithstanding all these motives, according to which the King might have dispensed with answering directly to this demand, his Majesty, putting himself above all those considerations naturally excited by the irregular conduct of Mr. Frere, has even condescended to make an explicit and satisfactory answer, in renewing to him a similar assurance to that which I had already given by his order to the British Government; namely, that the subsidies stipulated by the convention are but an equivalent for the succours in troops and ships which he was obliged by the treaty of 1796 to furnish to France, and that, in that convention, there is no article prejudicial to England, or contrary to the laws of neutrality. This moderate, frank, and satisfactory answer of my court served but to produce fresh complaints on the part of the British Chargé d'Affaires, who did not hesitate at the same time to demand his passports. His Majesty, constantly faithful to his principles of moderation, endeavoured to prevent, by every means compatible with his dignity, the consequences of so extraordinary a demand, and did not make any difficulty in reiterating to him again the most amicable and most frank assurance, as well on the subsidies, as on the armaments; but all his efforts have been useless. At length, perceiving that he was obstinate in

wishing to leave Madrid, since in the space of seven days he had four times demanded his passports, and that, at the last solicitation, he had even threatened to remain there as a private individual, or else to depart without passports, the King found himself under the necessity of granting them to him, however displeasing for his Majesty might be the consequence which would arise from so precipitate a step.

At the same time that this unexpected stroke deprived his Majesty of nearly all the hopes he had till then entertained, his heart was penetrated with the deepest affliction, on learning the dreadful event of the 5th of October, and the disastrous circumstances by which it had been accompanied. Although the details, which he received from all quarters, and the uniformity of all the accounts, gave to this intelligence all the force of an indubitable fact, his Majesty, under the influence of the invariable rectitude of his sentiments, and not having as yet received official information on this head, flattered himself by calling in question the reality of a similar outrage: at least, he could not persuade himself that it had been caused by an order issued by the British Government. His Majesty has consequently ordered me to demand of them categorical explanations on the detention of his frigates, on the instructions which may have been sent to the English commanders, and on the motives which may have induced the British *Chargé d'Affaires* to break off all communication with the Spanish Ministry.

Notwithstanding the coincidence of such alarming intelligence, with the irregular conduct of Mr. Frere, the King could not resolve to take any measure which had the least appearance of hostility. So much had he at heart the continuance of peace, it was not, till after having learnt, in an authentic manner, the act of violence exercised on the abovementioned frigates, by virtue of an express order of the British Government, that his Majesty found himself under the necessity, in order to consult the interest of his people, to order an embargo to be laid, by way of reprisals, on all English property throughout his dominions.

In this state of things, if the King can no longer flatter himself with the hope of an accommodation, if the system manifested for some time past by England seems to render inevitable a rupture between two nations, of which the reciprocal interest ought to lead them to live always in good understanding with each other, his Majesty has not at least abandoned the desire to listen to pacific overtures, and is still

disposed to avail himself of all the means of conciliation which may be compatible with the dignity of his crown, and the safety of his kingdoms.

But if, notwithstanding this conciliatory and pacific declaration, which I have the honor, conformably to the wishes of the King my master, to make to your excellency, the British Government should decide on taking the resolution to declare open war against him, his Majesty in that case, considering in the fidelity of his subjects, and in the purity of his conscience, will have recourse to those forces which Providence has entrusted to him for the defence of his people, and will commit to the fortune of war the result of a conflict which he has in no degree provoked, and with the consequences of which he will accordingly not have to reproach himself.

I avail myself of this opportunity, &c.

(Signed) The Chev. D'ANDUAGA.

To his Excellency Lord Harrowby,
principal Secretary of State for
foreign affairs.

No. 22.

Copy of a letter from George Hammond Esquire, to J. H. Frere, Esq. dated Downing-street, 24th December 1804.

Sir,

I HEREWITH inclose to you the extract of a note from the Chevalier d'Anduaga, dated the 22d of this Month, in which, you will observe an assertion of that minister, that the naval armament carried on in the ports of Spain was confined to the limits prescribed by an agreement concluded on the 19th of October 1803, between the British and Spanish Governments. No traces of any such agreement having been found in the correspondence of this office, I am directed to request that you will state to me, for the information of his Majesty's Government, whether you ever entered into any agreement, expressed or implied, with the Spanish Ministers, which can in any degree warrant the assertion of the Chevalier d'Anduaga to which I have adverted.

I am, &c.

GEO. HAMMOND.

J. H. Frere, Esq.

(Inclosure referred to in No. 22.)

Extract of a note from the Chevalier d'Anduaga to Lord Harrowby, dated 22d December 1804.

ALTHOUGH such reproaches, in return for the proofs which the King had always given of his eagerness to strengthen the bonds of friendship which united him to the British Government, were of a nature to excite in him the greatest surprise, his Majesty, nevertheless, directed answers to the intemperate representations of Mr. Frere, to be made with that moderation which is the most striking point in the history of his political conduct; a moderation the more signal from this circumstance, that the abovementioned armament, which excited so much sensation, was confined within the limits prescribed by an agreement, which was concluded on the 19th October 1803, between the two Governments, since it was restricted to the same number of vessels which were already armed before this epoch; and what proves still more clearly the pacific views of the King, is that the armament in question had been suspended by his Majesty's orders some days before the British Chargé d'Affaires had brought forward his complaint on the subject.

No. 23.

Letter from J. H. Frere, Esq. to George Hammond, Esq. dated London, 24th December 1804.

Sir,

I HAVE just received your letter. The expression in the Chevalier d'Anduaga's note is quite unintelligible to me. It appears to assert the existence of something of the nature of a written treaty, upon the subject of the Spanish armaments, and it assigns the 19th of October 1803 as the date of this supposed agreement. It is certain, nevertheless, that no convention or agreement, either written or verbal, ever passed between Mr. Cevallos and me, either then or at any other time. A declaration indeed was made in the notes addressed to Mr. Cevallos on the 24th of January and the 18th of February, stating, that his Majesty's Government was disposed, in hopes of better times, to exercise for the present a discretionary forbearance; yet that this forbearance would cease the moment that Spain departed from her *status quo* with respect to armaments.

Mr. Cevallos in his answer has described this declaration as

R

the basis of a neutrality binding upon Great Britain. Afterwards, in his correspondence with my brother, whose first object was to bring back the Spanish armaments to the state in which they had been left in consequence of this declaration, Mr. Cevallos goes a step further, and calls it a convention of neutrality proposed by Great Britain: this is in his note of the 29th of October 1804, which can have no allusion, but to the declaration of the 24th of January and the 18th of February. Again, in his note of the 3d of November, he refers to a convention or treaty of neutrality of the 19th of October 1803; meaning, I suppose, the treaty of subsidy with France, the stipulations of which, though they have never been communicated, he refers to as known; and in a manner implying that they were mutually binding upon Great Britain and Spain. I cannot but imagine that Mr. D'Anduaga must have been misled by these two circumstances, and that seeing it asserted in Mr. Cevallos' note of the 29th of October, that there existed a treaty of neutrality, which had been proposed by Great Britain; and again, in the note of the 3d of November, that the state of the armaments was to be regulated by a convention of the 19th of October; he may have concluded that they were one and the same, and consequently may have affixed to this imaginary treaty the date of the one concluded with France. My conjecture may be wrong, but Mr. D'Anduaga's assertion appears to me inexplicable in any other way.

I am, &c.

(Signed)

J. H. FRERE.

G. Hammond, Esq.

No. 24.

Extract of a letter from Lieutenant-General Nugent to the Right Honourable Lord Hobart, dated Jamaica, 14th January 1804.

I HAVE just received the enclosed extract of a letter from St. Jago de Cuba of the 8th instant; and as the intelligence is fully credited by the gentlemen who forwarded it to me, I have advised the admiral of its contents. The French troops alluded to are parts of the garrisons of Port au Prince, under General La Valette; Cape Nicola Mole, under General Noailles; and Jeremie; which escaped from our cruizers; together with a considerable number of sick and convalescents, whom it was considered as unsafe to bring away, or to retain in Jamaica. I am sorry that the reduction in our numbers

here will not permit me to reinforce Providence; but I am confident in the efficacy of our naval force for the protection of that island and its dependencies.

We shall look with a very jealous eye towards Cuba, in which island the French troops have been, contrary to the pretended neutrality of the Spanish Government, most glaringly permitted to remain embodied, and privateers to be fitted out, notoriously, the property of, and manned by Frenchmen.

No. 25.

Extract of a letter from Governor Halkett to the Right Honourable Lord Hobart, dated Bahamas, 26th January, 1804.

I HAVE the honour to inform your Lordship, that by information just received here from different parts of the coast of Cuba, there cannot, I think, be any doubt but that an expedition is immediately intended against this place by a body of French troops that have been landed under General Noailles in that island from St. Domingo.

I am so confident of the authenticity of the information, and of their intention against this island, that I shall immediately give information of it to General Nugent and Admiral Duckworth at Jamaica, and also to Sir Andrew Mitchell at Bermuda, to request some additional protection, if possible, without delay.

(Enclosure in No. 25.)

St. Jago de Cuba, 8th January 1804.

A FRENCH agent arrived here two days ago, who is said to have great authority. The Spanish governor will not as yet recognize him, which circumstance has not, however, prevented his leaving a deputy, for the purpose of adjudging prizes.

General Noailles has left Barracoa, together with his army (which consists of from 1000 to 1200 men,) on their way to Porto Principe, where he is to organize and augment it. Some persons have been sent by him to that town, in order to recruit them secretly. It is affirmed, that he has an intention of making himself master of la Providence, but I hope that he will be stopped in his way thither. Privateers are in greater number than ever; every body is fitting them out.

No. 26.

Extract of a Letter from Governor Halkett to the Right Honourable Lord Hobart, dated Bahamas, 3d February 1804.

—Received 9th of April following.

SINCE I had the honor of writing to your Lordship on the 26th ultimo, Admiral Duckworth has sent another sloop of war to this station, so that I have no doubt, with the other vessels already equipped in this port, and the steps adopted for the defence of the island, we shall be enabled to give a good account of the intended French equipment, when it arrives.

In addition to the corroborated information I have received relative to this subject, Admiral Duckworth mentions, that the French force under General Noailles at Barracoa amounted to between 1000 and 1200 men; that he was organizing and encreasing his force; that he had been employing secret agents for the purpose of promoting his plan against this island (of which I had received good information), and mentioning the quarter where it was supposed they would attempt a landing. Every precaution, however, has I think been taken, and it is extremely improbable that they can arrive without notice being given of their approach; and effectual resistance made to their progress by the vessels, which have been employed for this purpose.

Indeed by an account received from the coast of Cuba, I think that it is likely that General Noailles has been recently killed in an action which took place on that coast, with one of the armed private vessels from this port, the captain of which very imprudently, permitted himself to be boarded in the night-time by a French vessel, having on board about 350 French soldiers; the captain of the British vessel was killed, together with a great number of his crew, and the vessel captured. I understand that eighty or ninety of the French soldiers were killed in the action, and that General Noailles died of his wounds.

No. 27.

Extract of a Letter from Governor Halkett to the Right Honourable Lord Hobart, &c. &c. &c. dated Government House, Bahamas, 17th February 1804.—Received 9th of April following.

I HAD the honor to inform your Lordship, by the way of America, on the 26th ultimo and 3d instant, of an intended

attack upon the island of New Providence, by a body of French troops, (amounting, by the latest accounts, to from twelve to fifteen hundred men), who had fled from St. Domingo, and have been collecting in various parts of the island of Cuba. The corroboration of the intended attempt, and the information of the quarter from which we ought most particularly to look for them, had been sent to me by Sir John Duckworth from Jamaica.

The principal part of the French force is now at the Havana, and I have been under the necessity of sending a remonstrance to the Spanish Governor there, with respect to the tacit protection the enemy have been receiving in different places under his command, and demanding an explicit answer on the subject. I can assure your Lordship, that every step has been adopted here which can add to our security and protection. I have hired all the armed vessels which we can possibly man in this colony, and I think it likely that the preparations which have been made, may prevent their undertaking what nothing but their superiority of numbers could have originally suggested.

No. 28.

Extract of a Letter from Governor Halkett to the Right Honourable Lord Hobart, dated Government House, Bahiama, 7th April 1804.—Received 20th June following.

THE conduct of the Spanish Government at Cuba, with respect to the French, has been, considering the neutrality, shameful in the highest degree. To the remonstrances which I thought it my duty to make to the Governor at the Havana, he answers, that nothing inconsistent with the rules of neutrality had taken place within his Government; and that he confined himself strictly to common acts of humanity or hospitality to the French who had arrived there. This he asserts, although it is a notorious fact, that the whole of the extensive coast of the island of Cuba has for several months been a shelter and protection to the numerous French privateers who infest those seas, and has afforded them safe and convenient places of deposit for their prizes. In the Havana itself, armed vessels have been fitted out by the French, have proceeded to sea and immediately returned with valuable British prizes, part of whose cargoes have been disposed of in that port without any questions or interference. There are

now in the Havannah four valuable homeward bound Jamaica ships, and four brigs, which they have recently captured and carried to that place. They have been purchasing vessels and arming them there, and have been allowed a degree of licence and latitude which can be looked upon as little short of actual hostility on the part of the Spanish Government.

The French squadron in the Havannah amounts to about ten armed vessels of different descriptions, and they have purchased three American ships for transports. If they proceed towards Europe, I think it probable they will meet with Admiral Mitchell's squadron from Bermuda, as I have sent early information to him of their probable motions.

No. 29.

Extract of a Letter from Governor Halkett to the Right Honourable Lord Hobart, dated Government House, Bahamas, 19th May 1804.

I AM happy to inform your Lordship, that the French troops under the command of General La Valette have at length left the island of Cuba. Some of them have, I believe, proceeded with the intention of joining the French, who, it is reported, still hold possession of the city of St. Domingo. Others of them, I imagine, have gone to Charleston in their way to Europe. La Valette, together with Deshayes, the Commodore of this squadron, and about 200 of their best troops, have been cast away on one of the most northern of the Bahama islands, and probably all drowned, except one officer and a few men, who were picked up by one of the New Providence vessels, and brought to this place.

As I think we can have now no just cause of any apprehension of attack here from the French, I have discontinued the additional hired armed vessels; and I hope, before my departure from this island, I shall have cleared off every expence whatever which has been incurred upon this necessary occasion, and which was, in my opinion, the undoubted cause of preventing any attempt upon this island.

No. 30.

Extract of a Letter from Lieutenant Governor Nugent to the Right Honourable Lord Hobart, dated Jamaica, 20th May 1804.

THE Governor of the island of Cuba having permitted the French troops which escaped from St. Domingo to assemble

and, equip themselves for service at the Havannah, &c. and having also given encouragement to the fitting out of privateers from the harbours of that island, to the injury of the commerce of Jamaica, Sir J. T. Duckworth and I have thought it necessary at length to write the enclosed letter to the Marquis de Someruelos upon the subject. The *Fortunée* frigate has not yet returned with an answer.

(Enclosure in No. 30.)

Copy of a Letter from Lieutenant Governor Nugent and Sir J. T. Duckworth to the Governor of the Havannah, dated King's House, Jamaica, 19th April 1804.

Sir,

REAR Admiral Duckworth, commanding the squadron of the King our master in these seas, having in his letters of the 3d of September, 18th of December, and 30th of January, stated to your Excellency the breaches of neutrality that were continually taking place in the various outports of Cuba, within your Excellency's Government, even to the collecting and organizing a French force under the General of Brigade Noailles, for the purpose of attacking his Majesty's island of New Providence, or other of his settlements; we had full reliance on your Excellency's high character, to put a stop to acts so hostile as must evidently be destructive of that harmony which we thought happily subsisted between the two nations, and which we have endeavoured by every means to preserve for the general good of both. It is therefore with great regret we feel ourselves called upon, in our joint situations as Governor and Naval Commander in Chief, to represent to your Excellency that we have recently received accounts from the Havannah, the place of your Excellency's residence, that the French troops already alluded to are allowed to assemble there, and to hold out the same threatening aspect; and that British vessels captured by French privateers equipped in the Havannah (we may even say under your Excellency's eye), are brought in and their cargoes taken out; and as a proof, particularize to your Excellency the British *Queen*, which is said to be intended for General Valette and part of his troops; add to this the brig *George* from New Brunswick, a ship from Honduras, a brig, and schooner *Fly* from this island, are part of the captures. It consequently must be obvious to your Excellency a continuance of measures

so hostile to a nation by whom the strictest amity is preserved, must lead to consequences most dreadful to reflect on.

We therefore have dispatched his Majesty's ship *Fortunée* to convey our sentiments, and, if possible, to avert the evil which must be the result of a continuance of our enemy.

We have the honour to be, &c.

(Signed)

J. NUGENT.

J. T. DUCKWORTH.

His Excellency the Marquis de Someruelos,
Captain-General, &c. &c. &c.

No. 31.

Copy of an order from Sir Edward Pellew, Bart. to Captain Wallis, of His Majesty's Ship *Naiad*, dated on board the *Tonnant*, off the Coast of Spain, the 15th August, 1803.

HIS Excellency the Captain General of Galicia, resident at Coruuna, having signified to you, in reply to your request for refreshments and water, that you were at liberty to supply your wants there.

You are hereby required and directed to proceed, in his Majesty's ship you command, into the outer roads of Corunna, and request of his Excellency the Governor permission to complete your water accordingly; and in case of refusal, you will signify your expectation of receiving that denial, by which he deprives his Majesty's ships of the rights of neutrality, in writing, that you may transmit it to his Majesty's Ministers in England.

You are to permit as little communication with the shore as possible, and to be particularly cautious to support the good understanding which at present subsists between the subjects of the two nations; and in every thing conform yourself with strict neutrality, holding yourself on guard, and ready to come out, if any suspicious circumstances should arise to create alarm in your mind of any hostile intention.

Given on board his Majesty's Ship *Tonnant*, off the Coast of Spain, 15th August, 1803.

(Signed)

E. PELLEW.

Captain Wallis, H. M. Ship *Naiad*.

No. 32.

Copy of a Letter from Captain Wallis of his Majesty's Ship Naiad, dated in Corunna, 16th August, 1803.

Sir,

I HAVE to request you will send me off, in Spanish boats, fifty tons of water, which shall be paid for in the usual way; as also fresh beef, if it can be obtained; likewise vegetables. or any kind of refreshments you may be able to procure. Please to send me an answer in writing.

I am, Sir, &c. &c. &c.

J. WALLIS.

To his Britannic Majesty's acting Consul, at Corunna.

No. 33.

Copy of a Letter from Captain Wallis to the Captain General of Galicia, dated on board his Majesty's Ship Naiad, in Corunna, 16th August, 1803.

Sir,

I HAVE not hitherto been able to avail myself of your Excellency's permission given the 31st of last month to water the King's ship under my command. I am now come for that purpose, and I request your Excellency will permit the gentleman who acts as English consul to send me off between forty and fifty tons in Spanish boats, which will complete the ship's water, and it shall be regularly paid for.

I am very desirous of manifesting my respect to his most Catholic Majesty, which I shall do by a salute of fifteen guns, when I see his colours hoisted on any of the forts or fortifications, and an assurance in writing from your Excellency, that a similar respect will be shewn to the nation I have the honour to belong to, by returning an equal number of guns.

I beg your Excellency to believe me to be, with high respect and due consideration, your Excellency's most obedient servant,

Captain of his Majesty's Ship Naiad.

To his Excellency the Captain General
of Galicia, &c. &c. &c.

No. 34.

Copy of a Letter from Patrick Morrogh, Esquire, his Majesty's Consul at Corunna, to Captain Wallis, of the Naiad, dated 17th August, 1803.

Sir,

IN answer to your letter of yesterday's date, I have to inform you that the letter you wrote to the Captain General was handed to him this morning, with its translation. He acquiesces in your demand, that you may have the necessary supplies of water and refreshments, and that you and your officers may come on shore whenever you may think fit; but he cannot in what you require of the salute, gun for gun, as this is only practised by late treaties with Russia and France; but he will return the salute as with all other nations in amity, with two guns less.

I send the bearer, with a boat, for the casks to be filled with water; but I must observe to you, it will take some days to get the quantity you want. I shall send off this evening five hundred pounds of fresh beef, and have sent into the country for two bullocks and thirty sheep, as they are not to be had this day in town, and expect to be able to send them to you to-morrow evening. You will please mention what kind of refreshments, and quantity thereof, you would have sent off, which shall be immediately complied with.

I remain, &c. PAT. MORROGH.

James Wallis, Esquire.

No. 35.

Copy of a Letter from Mr. Morrogh, British Consul at Corunna, to Captain James Wallis, dated 17th August, 1803.

Sir,

SINCE writing to you this morning, I have received the enclosed letter for you from the Captain General, requesting I would send you a translation of it; on reading it, I immediately waited on his Excellency, and used all the arguments in my power to dissuade him from the order he had given not to let come on shore your officers, but could not prevail on him, as he says his orders are so pointed from court, on the head of vessel, having had an intercourse with any from the West India Islands. I told him that I did not know that you

had captured any from thence, and that if you did, you had taken every precaution as is always done; I think you had better enforce this point in your answer to his Excellency. I have got the casks put into Spanish boats, and shall have them filled as soon as possible; until some further determination, I shall send off in Spanish boats what you may demand. You will please to excuse haste, as the gentlemen have been kept too long in the boat.

I am, &c. PATRICK MORROGH.

(Enclosure in No. 35.)

The Governor of Corunna's answer to Captain Wallis's First Letter, dated Corunna, 17th August, 1803.

Sir,

I HAVE received your letter of yesterday's date, and being desirous to serve you in whatever lays in my power, I have mentioned to the British agent here that he may get you supplied with water, or whatever refreshments you may require; and the same I will do whenever it lays in my power.

It has been repeatedly reported here that you have captured several vessels from St. Domingo, which, on account of the epidemic fever in that island, has spread universal alarm throughout, and the health board, as well as myself, have received the strictest orders from court to enforce a quarantine in all vessels coming from the West India Islands, or those who may have had any intercourse with them; for which reason it lays me under the disagreeable necessity to inform you the board of health will not consent that any of your officers or men come on shore, nor have any intercourse with the inhabitants, nor can I permit your vessel to enter this port without she is to perform quarantine.

In regard to the salute, the orders we have, are to treat all men of war in amity with his Catholic Majesty as we do our own; and it is only by the late treaties with Russia and France that gun for gun is returned, otherwise I should find great pleasure in being able to comply with your request, not only in this, but in any thing else you think I can be of service to you; and remain truly, Sir,

Your attentive humble servant.

No 36.

Copy of a Letter from Captain Wallis to the Captain General of Galicia, dated on board his Britannic Majesty's Ship, Naiad, in Corunna, the 17th August, 1803.

Sir,

I AM to acknowledge the receipt of your Excellency's letter of this date, the contents of which I must confess myself at a loss how to account for; and I think it absolutely requisite to call your Excellency's attention to the intercourse which has taken place between this ship and Corunna, since the 30th of last month, which ought to do away any impression in your mind of my having any infectious disorder on board.

By your letter of the 31st to me, you expressed your readiness to me to comply with my request, and as a neutral nation I had a right, it being merely water and refreshments. Understanding I could get those things with more facility at Ferrol, I applied to the Governor of that place, who advised me to go to Corunna, where I might anchor, and get whatever I wanted.

Under all these circumstances, I came off here last evening, and was piloted to an anchorage by a pilot, authorized by you to do so.

Before sun-set I sent an officer from this ship on shore with the rank of captain of infantry, with a letter to your Excellency; this officer was treated with great insult, and obliged to return to me without being permitted to deliver the letter he was charged with, and this too in the presence of the officers belonging to the French frigate.

This morning at six o'clock you sent off what was represented to me to be the commandant of the port, and three gentlemen of the board of health; they were with me near an hour, and made many professions of friendship on the part of your Excellency, and an apology for your conduct to the British officer last evening; from which I attribute the treatment he met with to human frailty guided by particular influence. They informed me likewise that the officers of this ship were by your Excellency's directions permitted to go on shore whenever they pleased, and your conversation since that with the British consul upon the subject, confirmed me in the opinion that, if they were permitted to go on shore, they would be treated with that respect they had a right to expect. I sent

two of them afterwards on duty to get refreshments, but it would appear that your Excellency's professions of friendship only led to wish for fresh opportunities to insult the King's officers under my command; for, when they landed, the centinels pointed bayonets to their breasts, and drove them into the boat again, and made them stay there for two hours; and then they returned on board, and this too is said to be by your order, under a false pretence of my having taken St. Domingo ships. Sir, I told the officers of health this morning, that I had not taken any since I left England, and individually you dare not doubt my word; in my public situation you ought to place more confidence. I will not trespass much longer on your Excellency's time or patience, but I regret exceedingly you are so badly advised. I must therefore request your Excellency will inform me in writing, for the information of his Majesty's Ministers, why the King of England's ship under my command is deprived of the rights of neutrality. I hope sincerely your Excellency's conduct on this occasion may not lead to consequences of the most serious nature. Sir, I shall conclude my correspondence with you, by expressing my surprise that you should suppose an English man of war would submit to any thing less than an equal number of guns even from the most powerful nation in Europe.

I am, with due consideration,
Sir, &c. &c.

JAMES WALLIS.

Captain of his Majesty's Ship Naiad.

To his Excellency

The Captain General of Galicia, Corunna.

No. 37.

Copy of a Letter from Mr. Patrick Morrogh, Atting Consul at Corunna, to Captain Wallis of the Naiad, dated Corunna, 17th August, 1803.

Sir,

IN answer to your letter of yesterday's date, I have to inform you, that the letter you wrote to the captain general was handed to him this morning, with its translation. He acquiesces in your demand that you may have the necessary supplies of water and refreshments, and that you and your officers may come on shore whenever you may think fit, but

he cannot in what you require of the salute, gun for gun, as this is only practised by late treaties with Russia and France; but he will return the salute as with all other nations in amity, with two guns less. I send the bearer with a boat for the casks to be filled with water; but I must observe to you, it will take some days to get the quantity you want. I shall send off this evening five hundred pounds fresh beef, and have sent into the country for two bullocks and thirty sheep, as they are not to be had this day in town, and expect to be able to send them to you to-morrow evening. You will please to mention what kind of refreshments, and quantity thereof, you would have sent off, which shall be immediately complied with.

I remain, &c.

PAT. MORROGH.

James Wallis, Esq:

No. 38.

Copy of a Letter of Captain Wallis of the Naiad to Mr. Morrogh, His Majesty's Consul at Corunna, dated 17th August 1803.

Sir,

I HAVE just received your letter, and I beg you to express my thanks to the captain general for his acquiescence to my request. I am sorry that what his Excellency says respecting the salute, puts it quite out of my power, as my instructions strictly forbid my saluting the flag of any nation without a certainty of its being returned by an equal number of guns.

You will have to hire for the water, as I wish to prevent my men going on shore.

I shall give as little trouble as possible, and observe the strictest neutrality; therefore, the less my officers and men go on shore the better, as it is my intention to sail as soon as I can get the water, which I hope will be by to-morrow evening. I have sent the purser on shore to settle with you for the bullocks, sheep, and vegetables.

I am, Sir,

Your most obedient servant,

J. WALLIS:

No. 39.

Copy of a Letter from Patrick Morrogh Esquire, British Consul at Corunna, to Captain James Wallis, dated 19th August, 1803.

Sir,

I RECEIVED your kind letter of the 17th instant by last evening's mail. I informed his Majesty's consul general at Madrid with the particulars which occurred with this captain general, on his not permitting your officers to come on shore, with such frivolous excuses; and I am sure Mr. Hunter will do the needful with more efficacy than any thing here.

Mr. Kearney carries the account of the disbursements; every assistance and expedition has been done that this place can afford, and shall be happy in hearing if it meets your approbation, and shall be at all times in receiving your commands.

I am, &c. &c.

(Signed) PAT. MORROGH.

James Wallis Esquire.

No. 40.

Extract of a Letter from Captain Sir Edward Pellew, Bart, to The Honourable Admiral Cornwallis, dated off Cape Prior, the 24th of August 1803.

Sir,

I HAVE the honour to transmit you copies of a correspondence between captain James Wallis, of his Majesty's ship Naiad, and the captain general of the province of Galicia, resident at Corunna, and my order to captain Wallis, for proceeding to that port to water, upon assurance, before given by the captain general, of his readiness to furnish the necessaries that ship stood in need of. I am happy to inform you, that this correspondence, although a little awkward at first, terminated at last amicably, the governor expressing his concern that he could not permit the officers to come on shore, and excusing himself of any intended disrespect. The motives I acted upon were two, the first to obtain a direct and digested account of the proceedings of the French squadron, and their probable objects; the other, to enable me to supply the Mars with water, so as to retain her on her station as long as her provisions lasted. In this particular I have failed, the

frigate getting only thirty tons; and I do not think, after what passed, and the manifest influence the French officers have over the captain general, that he will allow of the Naiad's watering again. On the former part we were more successful, and understand that positive orders have been received from Madrid, not only to equip the whole of the Spanish fleet at Ferrol, but to refit in every particular the French squadron, and to allow them to impress all Frenchmen in their ports, to complete their complements. We learn, however, by the same means, that the arsenal is extremely low in every department; and it is said, they have not stores sufficient to complete the French ships alone.

No. 41.

Extract of a Letter from Rear-Admiral Sir Robert Calder, Baronet, to Honourable Admiral Cornwallis, dated on board his Majesty's Ship Prince of Wales, off Corunna, the 12th September-1803.

CAPTAIN PROWSE reports the Spaniards have received orders to fit out here four sail of the line: and they further say, that France has demanded their assistance, and that they fear they shall be compelled to join them in the war against England. 'If I may judge from their conduct towards this squadron, I should suppose there can be little doubt but that there is something of this kind in agitation between France and Spain at this time; I have therefore constantly given orders to the frigates not to anchor at Corunna, when they have sent their boats in to gain intelligence, &c. &c. The other day I directed captain Prowse to send his boat into a bay to get some sand; when she landed on the beach, an officer's party came down to order them off; but on a little expostulation, the officer (who was an Irishman) said, "he might take the sand, but that his orders were to order them off directly." As a corroborating circumstance of my opinion respecting the hostile appearances of the Spaniards, I find they are very busy here in remounting their cannon upon their batteries: and they say the French threaten to march 40,000 men into their country directly, if they do not join them

No. 42.

Extract of a Letter from Sir Edward Pellew to the Honorable Admiral Cornwallis, dated Tonnant, Entrance of Betancos Bay, 7th January, 1804.

I HAVE procured a small supply of fresh beef, which is in itself cheap; but the Spanish Government having demanded the duties, has nearly doubled its price.

The French squadron pay no duty; and I shall therefore write Mr. Frere, at Madrid, upon it. This supply was absolutely necessary, and of infinite service to the people so completely out of clothing.

No. 43.

Extract of Information from Sir Edward Pellew, received in Admiral Cornwallis's Letter of the 11th January 1804.

A FEW days since the Spaniards have been much employed mounting cannon in all their forts; and the garrison at Ferrol is augmented to 7000 troops. They have made no alteration with respect to their ships, except the two intended for the West Indies, which are getting forward.

No. 44.

Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated 14th February 1804.

Sir,

I AM informed by the Governor of the castle of Palme, that a boat belonging to the squadron under your command, and having an English officer on board, has past through the mouth of this harbour, and entered it in the middle of the night, without obeying the Governor's orders not to proceed to their destination before day-light, according to the established orders for all boats and small vessels, either national or strangers.

I am also informed, that the squadron under your command has anchored at the mouth of the harbour between the batteries, which greatly annoys the coming in or going out.

T

Your Eminence knows that I have strictly conformed myself to the laws of nations and of neutrality, not only by facilitating the supplying the squadron under your command with meat, bread, and all other provisions, refreshments, and succours, according to the rules of hospitality, but that even I did not object to your ships entering the harbours under my command, when the hardships of the sea and the damages sustained by the weather made it necessary; but as it is contrary to the same laws and rules of neutrality that the boats of the squadron under your command should enter this port contrary to orders, in the night time, which is not allowed even with flags of truce; or that the same squadron without being forced to it by distress of weather, or any other necessity, should anchor at the harbour's mouth, and in the very entrance of it; I find myself obliged to request your Eminence to acquaint me with the motive which may have induced you to act in this manner, and I have no doubt that henceforward your Eminence will take example by my conduct, and faithfully observe the laws of nations and neutrality, by not sending your boats at night into our ports, and making use of the Spanish territories, harbours, and succours, but as much as hospitality requires, and so as not to give room to suspect that I connive at the abuse of that hospitality to the prejudice of other nations, which are equally on terms of neutrality with this country, and have ships of war in this harbour.

I beg, &c. &c. &c.

(Signed) DIEGO CONTADOR,
Governor of Ferrol, &c. &c. &c.

To Sir Edward Pellew, Baronet, &c. &c. &c.

No. 45.

Copy of a Letter from Sir Edward Pellew, Baronet, to Don Diego Contador, Governor of Ferrol, dated on board his Majesty's Ship *Tonnant* off Ferrol, the 16th February 1804.

Sir,

I WAS last evening honoured with your Excellency's letter of yesterday's date, and am concerned to find that it wears so much the complexion of real complaint. The want of a person to translate the Castilian language has delayed my reply; and I have to apprehend that we have not put a proper construction on all its parts. I did not, however, lose a moment

in calling to account the officer who had broken my positive orders, by entering your harbour in the night. His defence I enclose herewith, observing only, that this young officer was actuated by no improper motive whatever: it was the giddiness of youth. The boat was certainly not armed, and was the smallest in the cutter. But so little am I disposed to justify the opinion, that I have put him under arrest, to be tried by a court martial, where he will meet the punishment due to his insubordination.

I trust, however, (and have great pleasure in the expectation), from the personal inclination your Excellency has so uniformly evinced, by affording the squadron of his Britannic Majesty every supply consistent with neutrality and friendship, that this trivial circumstance (which I could not controul) will not lead to disturb the good understanding and harmony so happily commenced. I shall manifest, by every means, my strong inclination for its continuance, and my regret at any event which may disturb it. With respect to the occasional anchorage of the ships under my command, your Excellency has been misinformed. I trust it is not such as can give umbrage to your Excellency, or to the Spanish nation. I am sent upon the coast of Galicia by the King my master, to protect the commerce of his subjects trading to the ports of Spain. In performing this service it cannot with truth be said, that I have given trouble to the ships of any nation, either entering or departing from them. I have acted up to the spirit of exact neutrality, and the existing treaties; and with the exception of the cutter, (to which your Excellency had given permission to go into Ferrol to receive supplies), there is no ship anchored within the batteries, but in the open ocean. In easterly winds I occasionally anchor to prevent being blown off, and in westerly winds I anchor to prevent being shipwrecked upon the coast. I cannot give your Excellency two more powerful reasons; and I entertain no doubt that they will prove satisfactory, and that I shall continue to experience the same attention and respect to the flag of my Sovereign as is shewn to that of any other neutral nation enjoying the benefit of amity and peace.

I have the honour to be,

with great respect, &c. &c. &c.

(Signed)

EDWARD PELLEW.

To his Excellency Don Diego Contador,
Governor of Ferrol, &c. &c. &c.

(Inclosure in No. 45.)

Declaration of the Officer in the Boat, inclosed in the Letter of Sir Edward Pellew, Bart. to Don Diego Contador, Governor of Ferrol, dated on board his Majesty's Ship Tonnant, the 16th February, 1804.

HAVING been sent on board the Nimble cutter, to be ready to go early in the morning for provisions to Ferrol, it was discovered about midnight that the buoy of the cutter's anchor was gone, and it was doubted if it had not broke from the rope, and drifted up the harbour : upon which I jumped into the boat with two men and two boys to look for it. The tide was setting strong into the harbour, and in a few minutes the boat was hurried up under Castle Palmo, and hailed by the sentry, and ordered to go back, upon which I answered in French, that it was an English boat, looking for a buoy broke from the cutter's anchor, and begged to go on; after calling, a sergeant, I believe, said I might do so. The boat was unarmed, and I returned in a few minutes. I had no improper motive whatever; and I know the most positive orders were given against any boat moving by night. The hurry of the moment, and the rapidity of the tide, gave me no time for reflection, and to that alone is the circumstance to be attributed, and for which I am very sorry.

No. 46.

Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated the 19th February, 1804.

Sir,

I AM informed by the commanding officer of the port of Muelle that a French sailor of the ship Hero has ill-treated, with a boat-hook, the stern of one of the boats belonging to the squadron under the command of your Eminence, which was crossing the port. In consequence of my complaining of it to M. Gourdon, commanding the French naval forces lying in that port, he has assured me that the offender will meet with a punishment proportioned to his offence; and I have put under arrest the sentries and serjeants on duty at Muelle, for not arresting and bringing the aggressor before me. In order

order to avoid the repetition of similar accidents, I have directed that henceforward the English boats may go to the southern, and the French and Dutch to the northern side of the Muelle; and that proper directions are given to the sentries and other persons on duty not to suffer the English boats to be insulted in a territory of Spain, whilst it is a neutral nation.

On this occasion M. Gourdon has made complaints of the English boat which entered the harbour the other night, and that the squadron under your command has brought to anchor at the entrance of it for the purpose of espying the movements of the French squadron, upon which points I have communicated to him what has passed between your Eminence, and myself upon these subjects; and we must hope that your eminence and the squadron under your command will make no movements in the ports or on the coasts of Spain contrary to neutrality, or that might give rise to disputes or complaints from any power allied or neutral with Spain, and which are in consequence entitled to all succours of hospitality and neutrality, although they may be at war and enmity with any other nation.

I am, &c.

DIEGO CONTADOR.

Sir Edward Pellew,
&c. &c. &c.

No. 47.

Copy of a Letter from Don Diego Contador, Governor of Ferrol, to Sir Edward Pellew, Baronet, dated the 19th February, 1804.

Sir,

I HAVE received your valuable letter of the 16th instant, in answer to one I wrote your Eminence on the 15th, in which you have the goodness to resolve the doubts which had occurred to me, and which I had requested your Eminence to clear up. This letter has fully convinced me how strictly your Eminence adheres to the principles of neutrality. And as for the trifling trespass of the young officer who commanded the boat, I have to beseech your Eminence (and I beg leave to offer all the influence my mediation may have), not to bring him to any trial or punishment for a fault which proceeded entirely from want of reflection, and which has had no bad consequence whatever, I shall look upon this as a great favour from your Eminence, who may be assured that by my endeavours to oblige you and the squadron under your

command (as far as is compatible with neutrality), I shall shew you how sensible I am of the polite and obliging attention of your Eminence, and of the conformity of our wishes to preserve the good understanding which subsists between our respective nations within the limits of neutrality.

I remain, &c. &c. &c.

(Signed) **DIEGO CONTADOR.**

To Sir Edward Pellew, Baronet,
&c. &c. &c.

No. 48.

Copy of a Letter from Sir Edward Pellew, Baronet, to Don Diego Contador, Governor of Ferrol, dated on board his Majesty's Ship Tonnant, off Ferrol, the 20th February, 1804.

Sir,

I HAD the honour to receive your letter of the 19th last evening, and, in reply to it, I beg your Excellency to accept my thanks for the interest you have taken in protecting the subjects of the King my master from the gross insults offered to them by the boat's crew of the French ship Hero.

As the circumstance happened to fall under the observation of several of your most respectable officers, it was not my intention to trouble you with any complaint upon the subject; and I therefore feel the more obliged for your voluntary interference, which I have no doubt will have the proper effect.

We shall strictly conform to the regulations which your Excellency informs me of in landing; and be more cautious than ever to avoid, in every instance, giving any cause for complaint.

I shall have great satisfaction in complying with the request you make me in favour of the officer who was so imprudent the other night.

Your commands and wishes will be held by me one of the first objects of my consideration, and have the honour to be, &c.

(Signed)

E. PELLEW.

Don Diego Contador,
Governor of Ferrol, &c. &c.

No. 49.

Extract of a Letter from Sir Edward Pellew, Baronet, to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship Tonnant, off Ferrol, the 9th May, 1804.

The crews of the squadron are in high health and spirits, and supplies of fresh provisions regular; wine and bread have been purchased as occasion required, and five hundred bags of the latter were ready to be sent on board on the day I left the port.

The utmost cordiality prevails between the Spaniards and the squadron, and upon every occasion their civilities are uniform. I have no doubt, from the readiness with which they supplied an anchor to the Malta, but stores of any sort may be procured and supplied from the arsenal as readily as they are to the French ships, if their Lordships should choose to resort to that measure.

No. 50.

Extract of a Letter from the Honourable Rear Admiral Cochrane to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship Northumberland, off Ferrol, the 15th May, 1804.

SINCE I wrote to you by the Nile lugger I have been endeavouring to supply the immediate wants of the squadron, in such species of provisions as the ships stand most in need of; and I hope to find that I can procure fresh beef delivered on board, free of all cost and expence, at five-pence half-penny per pound; bread at four-pence per pound; flour at about forty-five shillings per 196 pounds; and Catalonia wine at from two to two shillings and four-pence per gallon: but as several vessels are expected soon here with that article, it may fall considerably.

No. 51.

Extract of a Letter from the Honourable Rear Admiral Cochrane to the Honourable Admiral Cornwallis, dated on board his Majesty's Ship Northumberland, Betanzos Bay, near Ferrol, the 23d May, 1804.

I AM in hopes of being able to obtain almost every article of provisions here; and if coals and candles, with a proportion of bread, are sent from England, we could do very well.

PART III.

No. 1.

Extract of a Letter from William Warre, Esq. his Majesty's acting Consul at Porto, to Sir Evan Nepean, Bart. dated the 26th of July, 1803.

I BEG leave to mention that this coast is much annoyed by the enemy's small privateers; that they are fitted out from the neighbouring ports of Galicia; and, considering the nature of this bar, and the approach of winter, the trade is much exposed. I have just received intelligence, that the ship Commerce, of Dublin, — Grant, master, to this place, has been captured by a small French row-boat privateer, from Vigo, and carried into Guarda, in direct violation of neutrality, having been taken under the guns of the fort.

No. 2.

Naval Occurrences reported by Mr. Duff, his Majesty's Consul at Cadiz, for August, 1803.

5th. Sailed, storeship *Presentacion*, with salt, for Galicia.
17th. The *Rufina* frigate, 34 guns, with eleven millions rials vellon, for Carthagena.

18th. Storeship *Aurorei*, with salt, for Galicia.

19th. Ship *Mino*, of 50 guns, with salt and ten millions rials vellon, for Galicia, to disarm.

— *Lugger Daphne*, from Algeciras, is gone to the Carracca to disarm.

Orders have been received at Ferrol for the ships *Neptune*, of 74 guns, and *Saint Austin*, of 74, to take in their artillery, and keep in readiness until farther orders; and the same dispositions have been given at Carthagena, with respect to the *Argonaut*, of 84, and *Bahama*, of 74.

The *Astrea*, of 34 guns, with quicksilver, destined to Buenos Ayres, is to sail in September, and will carry out the Captain General of the Rio de la Plata, Brigadier Don Rues Huidobra.

Of the frigates *Pomona* and *Mercedes*, which sailed from

Ferrol for Lima, the latter was obliged to put into Montevideo, in consequence of some damage she had suffered in her helm, the other went on.

In the Carracca, the America, of 66 guns, is fitting out; she is to go to Vera Cruz with quicksilver.

The Espana, of 64, has gone into dock to careen, and will have the same destination.

The Sabina frigate, with treasure for the King, is expected from Vera Cruz.

The French ship L'Aigle, and the corvette Torch, are gone up to the Carracca to receive some repairs.

Of eighteen sail of the line which are there, three of them, which had been in the dry docks for a length of time, were lately taken out, without any thing of consequence being done to them. They, as well as most of the others, will require very great repairs, there being only three judged to require but a moderate one, and, in the opinion of good judges, are only fit for any thing but being broken up. There is a total want of timber in the arsenal, where there is hardly any but the country pine; and in other respects it is but very poorly provided.

No. 3.

Extract of a Letter from Sir J. T. Duckworth to Sir Eyan Nepean, Bart. dated Jamaica, October 2, 1803.

Sir, Shark, Port Royal, Jamaica, Oct. 2, 1803.

THE report I stated to you for the information of the Lords Commissioners of the Admiralty in my letter of the 12th of June, by the Goliah, of a horde of privateers being in the act of fitting at St. Jago de Cuba, is, I am concerned to say, confirmed, and the sad effects of it are felt most particularly by the coasting trade of this island, notwithstanding the utmost exertions are used by his Majesty's squadron under my command; but the vessels they have to counteract are of such description, that large ships can be of little utility; I therefore hope, that their Lordships will have allowed of the national schooners, which are uncommon fine vessels of the sort, being purchased for that service.

No. 4.

Extract of a Letter from James Duff, Esq. his Majesty's Consul at Cadiz, to William Marsden, Esq. dated 14th October, 1803.

I AM assured, this day, orders have been received at the island for the arming at that arsenal of two three-deckers, an eighty-four, and three seventy-fours; and at Carthagena three large frigates. It has even been said some line of battle ships have been ordered to be fitted out there, also at Ferrol, but I believe not with certainty; and the fact is, several months must elapse before those at this department can be in any readiness to put to sea. My next will probably convey you more pointed information on this head.

Our Captain General is called to Court; and, as a considerable number of troops have assembled at Zamora and Valladolid, it may be inferred with a view to his inspecting them, or giving him some command.

No. 5.

Extract of a private Note from Mr. John Hunter, his Britannic Majesty's Consul at Madrid, dated the 22d October, 1803, to Sir Edward Pellew.

THERE is no confirmation of the rumours of neutrality.

At all the three arsenals they are arming; but there is a want of seamen, stores, and materials of every sort.

No. 6.

Extract of a Letter from Rear Admiral Sir Edward Pellew, Baronet, dated on board his Majesty's Ship Tonnant, off Ferrol, 24th October, 1803, to the Honourable Admiral Cornwallis.

MUCH increased activity prevails since the last dispatches from Madrid, and they worked night and day until the sixteen gun boats were ready. It may be possible that these Spanish ships are fitting to embark Angereau's army. I shall use every means to discover that measure if it should be adopted, and forward the earliest intelligence of it to you.

No. 7.

Naval Occurrences for October 1803, reported by Mr. Duff.

Ships ordered to be fitted out.

Trinidad, of 130 guns, Captain Brigadier Don Francisco Urcart.

Santa Ana, of 112 guns, Capt. Don Dionisio Alcalá Galiano.

San Rafael, of 84 guns, Captain Don Ijsh. Arambure.

Terrible, of 74 guns, Captain Don Ijsh. Dela Guardia.

Soberano, of 74 guns, Captain Don Juan Carranza.

America, of 64 guns, Captain Don Jose Melendez.

Amphitrite, of 40 guns, Captain Don Jose Varcla.

Destined for Vera Cruz and Havana.

Rufina, of 34 guns, Captain Don Jose Novales, destined for Lima.

The brig Penelope, of 18 guns, in the Bay destined for Malaga, but detained on account of the epidemical disorder which reigns there.

Brig Argo, of 22 guns, and schooner Felozo, of 16 guns, are appointed guarda costas for La Guayra, under the command of Brigadier Don Augustin dea Figueroa, going Commandant of that department.

Lugger Experiment, arrived from Malaga, to careen at the arsenal, and is still under quarantine.

Ships fitting out at Carthagena.

Reyna Louisa, of 112 guns.

San Carlos - 112

Bahama - 74 arrived at Cadiz the 4th of Nov.

Argonauta - 84

Matilde - 34

Yanganza - 34

The ships ordered to be fitted out at Ferrol are five, though hitherto the following only are named :

Principe D'Austuria, of 112 guns,

Neptune - 84

San Augustin - 74

The place of rendezvous it is asserted will be this port, but from all appearances the earliest possible they can assemble will be February or March next. The French ship and corvette have not yet put into dock.

No. 8.

Naval Occurrences for November, 1803, reported by Mr. Duff, his Majesty's Consul at Cadiz.

IN the Carracca, the fitting out of the six ships is going on. The America, of 66 guns, is the only one of them which is completed, and is gone out of the arsenal; as to the others, three of them (one of which is the Trinidad) are in port; some time will elapse before they come out of it, and can be equipped as well as the others.

At Ferrol they are occupied in the armament of the five ships to be fitted out there, the Neptune, Don Antonio Valdes; Monorca, Don Antonio Argomosa; San Augustin, Don Antonio Pareja; San Fulgencio, Don Jocechin Rivera; Principe, Don Conne Charruca; these ships as fitted are expected to come here.

Of the four ships fitted out at Carthagena, the Argonaut, 84 guns, Brigadier Don Bufael de One, and the Bahama, 74, Captain Don Linode Truxillo, have been some time arrived here; the two remaining, San Carlos, 112 guns, Brigadier Don Luis Musias, and Reyna Luisa, 112 guns, Brigadier Don Antonio Pastigo, were preparing to follow.

The ships Paula, San Pablo, San Joaquim, and Guerrero, have been masted at the same place, but no order had been received for fitting them out.

The frigate Santa Rufina, which arrived here from Carthagena about ten days ago, is under orders to get ready for America, supposed to be for Lima.

The King's store ship Santa Justa, sailed the 26th ultimo, for a port in Galicia, with a cargo of salt for the King's account.

The new frigate Vengeance, built at Mahon, and arrived latterly from Carthagena, is to be attached to the squadron: she appears to be a fine frigate, and can mount 40 guns.

Of the two frigates which sailed from Ferrol last February for Lima, the Santa Clara arrived at the Callac the 22d of June, the other, the Mercedes, has put into Rio Janeiro leaky.

The brig Argo and schooner Telosa, under the orders of the Brigadier Don Augustin de Fegueroa, are intended to sail in the present month, as guarda costas for the Carraccas.

The lugger Experiment, which went with surgeons and

priests to Malaga, and is lately returned, remains in this bay performing quarantine.

The brig *Penelope* remains equipped in this bay, and without any destination being given her.

No. 9.

Extract of a Letter from Rear Admiral Sir Edward Pellew, Baronet, dated on board his Majesty's Ship *Tonnant*, off Ferrol, 1st December, 1803, to the Honourable Admiral Cornwallis, &c. &c. &c.

I HAVE only to confirm the last report of the state of the enemy's ships in Ferrol and Corunna, with the additional circumstance of orders having arrived the day before yesterday to equip, with all expedition, two sail of the line (Spanish) it is said for Saint Domingo.

(Inclosure in No. 9.)

Extract of Information from Sir Edward Pellew, Baronet, inclosed in the Honourable Admiral Cornwallis's Letter, dated on board his Majesty's Ship *Ville de Paris*, off Ushant, 11th January, 1804, to the Honourable Admiral Cornwallis.

A FEW days since the Spaniards have been much employed mounting cannon in all their forts; and the garrison at Ferrol is augmented to 7000 troops. They have made no alteration with respect to their ships, except the two intended for the West Indies, which are getting forward.

No. 10.

Naval Occurrences for 6th December, 1803, reported by Mr. Duff, his Majesty's Consul at Cadiz.

The *Argonaut* and *Bahama*, which arrived here from Carthage, in November, are gone up to the Carracca, the one to be coppered, the other to have her upperworks caulked.

By late advices from the Havannah, the *San Alexandre* had been careened, and was expected to proceed for Vera Cruz; another ship was careening there; the others in a great measure abandoned, and in so decayed a state as to be judged incapable of being repaired.

The French ship *L'Aigle* and corvette the *Torch* equally, the brig *Argos*, of 18 guns, latterly arrived here, continue,

the two first in the Carracca, and the latter in the bay: it has been surmised orders having latterly been received for their being in readiness to proceed upon service, there can be no doubt entertained of their wish to spend the winter in this port, and in which I think it probable they will be gratified.

J. D.

Cadiz, the 23d December, 1803.

No. 11.

Copy of a Letter from Mr. James Duff, his Majesty's Consul at Cadiz, to Sir Evan Nepean Baronet, dated the 22d December 1803.

Dear Sir,

THE armament of the ships here go on very slowly, and I have reason to believe it to be the case at the other departments, from many circumstances. I rather expect that several months may elapse before the ships fitting out will be so manned and united here, as it is said to be the intention, to the number of twenty sail of the line.

By an express which arrived here to the French commissary of commercial relations, Mr. Le Roy, the 18th, from Paris, and latterly from Ferrol, it is said he is supposed to have received directions relative to L'Aigle, corvette Torche, and Argus brig of 18 guns, (arrived since my last from St. Domingo and the Havannah), relative to their further proceedings. It is surmised by some that they are to remain in readiness in the event of the squadron at Ferrol being able to evade the vigilance of Sir Edward Pellew, and appearing off to join them, and to proceed to the Mediterranean.

No. 12.

Extract of a Letter from Vice Admiral Sir John Thomas Duckworth K. B. Commander in Chief of his Majesty's Ships and Vessels at Jamaica, to Sir Evan Nepean, Baronet, dated on board the Shark, the Port Royal Harbour, 15th January 1804.

I HEREWITH transmit, for the information of the Lords Commissioners of the Admiralty, an extract of a letter just received by a merchant of eminence in this island, in which great confidence is placed; and should it be certainly ascertained that French agents proceed to the condemnation

of English vessels carried into the ports of Cuba, I shall not feel great delicacy is due to the Spaniards, though I shall endeavour to avoid any open hostility till I am honoured with their Lordships' commands.

(Inclosure in No. 12.)

St. Jago de Cuba, 8th January 1804.

Extract of a Letter dated as above.

THERE has arrived here two days since, a French agent, who is charged with great powers.

Just at present the Spanish Government is not willing to acknowledge him; that does not prevent him nevertheless from leaving an agent to condemn prizes.

No. 13.

Naval Occurrences at Cadiz for January 1804, reported by Mr. Duff, his Majesty's Consul at that place.

Note of the Fifteen Ships armed and arming in this and the Department of Ferrol and Carthagena.

Trinidad, 130 guns, Commander Brigadier Don Fran. Uriarte.

St. Ann, 112 guns, Don Diego Alial a Galeano, also Brigadier.

Principe, 112 guns, Commander Don Come Churruca.

Reina Luisa, 112 guns, Commander Don Antonio Garcia del Postigo.

San Carlos, 112 guns, Commander Don Luis Mesia.

San Rafael, 84 guns Commander Don Josef Arambar.

Neptune, 84 guns, Commander Don Cayetano Valdes.

Argonauta, 84 guns, Commander Don Rafael de Ore.

Monarca, 74 guns, Captain de Navis Don Theodore Argomasa.

Bahama, 74 guns, Captain Don Luis de Truxillo.

San Augustin, 74 guns, Captain Don Antonio Bareja.

Espacia, 66 guns, Don Josef Melendez.

America, 66 guns, Captain Don Juan Cborauza.

San Fulgencio, 66 guns, Captain Don Juan Ricesa.

The 31st January the following vessels sailed from this port: the frigate Vengeance, 36 guns, Captain of a frigate Don Joseph Brandarez, with stores for the Havannah, and

quicksilver for Vera Cruz : the frigate *Amphitrite*, 40 guns, Captain of a frigate *Don Joaquire Varela*, stores for Porto-Rico, and quicksilver for Vera Cruz: the frigate *Rufina*, 34 guns, Captain of a frigate *Don Manuel Noales*, stores for La Guayra and Porto-Rico, and quicksilver for Vera Cruz. This last ready, but not yet sailed. The frigate *Matilda*, 36 guns, is daily expected here from Carthagea, with stores for this arsenal.

The two brigs and schooner, destined as guarda costas for La Guayra, continue getting ready to proceed for their destinations.

The frigate *Clara*, 36 guns, opened her register at Lima, in October, upon her return for this country, and may be expected in May, with from three to four millions of dollars.

The French ship *L'Aigle* is now victualled, and although badly manned, is expected to quit this the first favourable opportunity. The corvette *Torch*, and *Argus* brig, are not yet quite ready. The *Donegal* quitted this neighbourhood about the 15th of January. The *Medusa* and *Maidstone* have taken her station, and it is doubted the *Aigle* quitting this while they continue upon the station. The American brig of war, *Argus*, has been here some days, and sailed the 5th February for Gibraltar. An American schooner sailed the 4th, with answers to dispatches she brought here three weeks ago, from the Spanish Ministers at Washington.

Four new regiments are said to be under orders to embark at Corunna or Ferrol, for New Orleans.

February 8th, sailed the *Rufina*, mentioned before as being ready; the 9th, three frigates, supposed to be the *Medusa*, *Maidstone*, and *Diana*, were seen at sunrise, about two leagues from the lighthouse; *L'Aigle* had been expected to sail in the night; the *Hind*, a fresh *Levanter*; the *Diana* came in and anchored in the evening; the other two frigates are the *Medusa* and *Amphion*. The *Diana* was immediately admitted to Pratique.

No. 14.

Extract of a Letter from the Honourable Admiral Cornwallis to William Marsden, Esquire, dated on board the *Ville de Paris*, off Ushant, the 15th February 1804.

I Send a copy of a letter from Sir Edward Pellew to me, with the communications therein referred to; and the copy of a letter from Mr. Frere at Madrid to him*.

* Vide No. 12 of additional Papers

State of the Naval Force in Ferrol, inclosed in a Letter from the Honourable Admiral Cornwallis, dated 15th February 1804.

Two ships of 80 guns, half ready, men enrolled for them in the vicinity, and ready when called upon.

One three decker, } commissioned and rigged.

Two of 74 Guns, }

Storing their holds slowly.

Two frigates will be ready with the first ships.

Four three deckers, }

Eight two ditto, } out of commission.

And some frigates, }

In the arsenal,

One of the line, and two frigates building.

The troops in garrison fluctuate from eight to ten thousand.

EDWARD PELLEW.

Tonnant, Betancos Bay,
5th February 1804.

No. 15.

Copy of a Letter from Vice-Admiral Sir J. T. Duckworth, dated on board his Majesty's ship Shark, Port Royal, Jamaica, 7th March 1804, to Sir Evan Nepean, Bart.

Sir,

HAVING, in a letter of the 15th of January, acquainted you for the information of the Lords Commissioners of the Admiralty, of various intelligence received from St. Jago de Cuba, amongst which it was positively asserted, that the general of brigade, Noailles, had collected a force on the north side of Cuba, (of the troops that had escaped from St. Domingo) with which he meditated an attack upon New Providence; and having had the same corroborated by a letter express from Governor Halket, which reached here the 30th; on the 31st, and 1st of February, I dispatched the Racoon and La Superieure schooner, to aid the Snake, Stork, and Sandwich, in resisting any attempt that might be made on that colony; and on the 29th ultimo, I received a letter, bearing date the 15th, from Governor Halket, by the Stork, acquainting me that the general of brigade, Noailles, had

X

been killed in an action, with a Providence privateer, in the night, whilst removing from one port to another, with 350 French troops in a brig, which captured the privateer; but in consequence of that general's loss, all the French troops had gone to the Havannah, and were in a very considerable force, receiving a sort of protection, and he believed a tacit encouragement, very improper from a neutral nation, even to the engaging of Spanish pilots, and being suffered to procure vessels to prosecute their hostile intentions against Providence. He therefore has thought incumbent to send a remonstrance to the Governor of the Havanna, demanding an explicit answer, with which Captain Roberts of the Snake has allowed the Sandwich cutter to proceed, and it is with great satisfaction I learn from Governor Halket, that the naval assistance he now has causes him to have little apprehensions for the safety of the island, all which I will beg you to communicate to their lordships.

And I am, sir, &c.

J. T. DUCKWORTH.

To Sir Evan Nepean, Bart.

&c. &c. &c.

Admiralty.

No. 16.

Copy of a letter from Vice-Admiral Sir J. T. Duckworth, dated on board his Majesty's ship Shark, Port Royal, 25th March 1804, to Sir Evan Nepean.

Sir,

THE inclosed I have this moment received, and though it is not of a very recent date, as it corroborates the former intelligence of the very improper conduct of the Spanish Government in Cuba, I transmit it for the information of the Lords Commissioners of the Admiralty.

I am, Sir, &c.

J. T. DUCKWORTH.

To Sir Evan Nepean, Bart.

&c. &c. &c.

Admiralty.

(Inclosure in No. 16.)

Ship Enterprize, Havanna, 17th January, 1803.

Sir,

ACCORDING to my instructions from the High Court of Admiralty of the United Kingdom of Great Britain and Ireland, I have to inform you of the proceedings in this port since my arrival on the 12th of this month. On my being in sight of this port, the signal was made for an English ship. The French general here sent a French privateer out for the express purpose of taking my ship; but not being of force sufficient to attack the ship, she thought proper to haul off. There are five privateers now here, of different descriptions; one brig fitting out on purpose to take the ship when she sails. The said brig mounts 18 guns, and full of men. One schooner of 6 guns; and the others mount 4 guns each, and (carry) from 50 to 60 men. I understand they are determined on taking the ship. I shall have on board, when sailing, 30,000 sterling; and unless I have some protection, I am undetermined on sailing.

One of the beforementioned privateers has brought in here a large ship, named the British Queen, of St. John's, that sailed with the last convoy from Jamaica. She parted with the fleet, and came through the Gulph. She was captured off Cape Antonio by a privateer of one gun. These privateers make prizes of Danes, Americans, and every thing unarmed. I have also to communicate to the Admiralty of Great Britain the conduct of this Government.

And have the honour, &c.

CÆSAR LAWSON.

No. 17.

Naval Occurrences reported by Mr. Duff, his Majesty's Consul at Cadiz, for May, 1804.

THE squadron of the fifteen ships continues nearly in the same state as in the preceding months. Upon the 16th of May, the King's urca or storeship, the Santa Appolonia, left this port; her destination for the Havannah, conveying stores for that department, recruits, &c. Upon the 31st ditto sailed his Majesty's urca Visitation; her destination Ferrol; two others are preparing here to follow her, the Santa Justa and Liebre; the whole said to be intended to proceed to the Ha-

vannah, with stores, and to return from thence with timber for the arsenals. Orders are said to have been received for laying the keels of some ships and frigates, and to begin to build as soon as timber may arrive.

Upon the 7th April the frigate *Amphitrite* sailed from the Havannah; she had gone from this, and with her sailed the frigate *Neustra Senora Delao*, of that département; their destination for Vera Cruz, there to join the frigates *Sabina* and *Venganza*, there to take aboard treasure, to be conveyed to this place, where they may now soon be expected. They will probably bring with them from ten to twelve million of dollars.

Of the ships which have been fitted out at Ferrol, the *San Fulgencio*, of 66 guns, is under orders, and is getting ready to proceed for Vera Cruz, from whence she will probably return with treasure. She is reputed one of the fastest sailing ships in his Majesty's navy. By letters received lately from Lima, there is advice that three King's frigates were completing their register of money; it will probably run to about three millions of dollars upon each; they were expected to sail about the 15th of February, and were to touch at Montevideo for intelligence, and there to put themselves under the command of the *Gifu de Esquadra*, or Brigadier Don Francisco de Bustamente, who has been the naval commander there for some time, who is to take the command, and to return with them for Spain; they may be expected in August, and will come rich.

The ships which have been fitted out at the Carracca have but few men on board, and no steps taking, indicating a desire of soon manning them. Two of them are still in dock, completing their repairs. The number of additional carpenters and caulkers lately collected there, (and which may go to about 3000) are employed upon the different vessels laid up there in ordinary, which are all of them to be overhauled, and to have repairs necessary to prevent many of them from sinking. They are about ten in number, exclusive of the six which have been fitted or are fitting out, and of the *Bahama* and *Argonauta*, which came round from Carthage; four of them are judged to be incapable of being repaired, and only fit to be broken up.

The *l'Aigle* corvette, *Torché*, and brig *Argus*, French, which have been so long here, are completely manned and victualled for six months, and appear to be now waiting to proceed to sea.

No. 18.

Extract of a letter from Rear Admiral Cochrane to Lord Melville, dated 15th June 1804.

YOUR Lordship will observe by the enclosed paper, that the French are making every exertion to complete their squadron lying at Ferrol and Corunna. This reinforcement, which I expected to arrive by the 22d, will do much towards it, as hitherto they have been without marines. I make no doubt but seamen will follow the same rout, if they do not send them in small vessels across the bay, landing them at the out-ports, from whence they will pass by land to Ferrol. Landsmen will answer, as they are by no means deficient of seamen. How far the Spaniards have adhered to their neutrality, in suffering three hundred men to march from one end of Spain to the other, in order to complete the equipment of the French squadron, is a matter that is not for me to decide upon.

(Enclosure in No. 18.)

THIRTEEN boats belonging to the French at Sedera. Each boat has twenty-six men, armed only with small arms. They are under the command of a naval officer, and came from Bayonne, laden with sail cloth, bunting, cordage, &c. which is now transporting by land to the French squadron at Ferrol. Six more are hourly expected. The above boats do not exceed fourteen tons each, and keep close in shore, never leaving port but when the coast is clear. The men are said to be as recruits to the French ships; and the boats to be sold.

No. 19.

Extract of a letter from the Honourable Rear-Admiral Cochrane to Lord Melville, dated 24th June 1804.

WHAT I suspected has come to pass, and the French are completing their complement of seamen from their ports on the bay, while they receive soldiers through Spain from Malaga.

No. 20.

Naval occurrences at Cadiz for July 1804, reported by Mr. Duff, his Majesty's Consul at that place.

THE King's storeship *Santa Justa*, which arrived latterly with building timber for the *Carracca*, is under orders to proceed for Trieste, to bring quicksilver.

N. B. The mines of Almaden, which for the last four years had produced any quantity of quicksilver which was wanted here, having in a great degree failed, insomuch that the abovementioned ship is destined for Trieste, to bring a supply.

His Majesty's ship *Minho*, which arrived latterly from Galicia, and brought building timber and powder, is to be careened at the *Carraccas*, as well as the *Castilla*, which is expected here from Galicia, and intended also to be sent for America.

The frigate *Lucia* is getting ready at Carthagena to come to this department.

The ship *San Leandro*, sixty-six guns, sailed from the *Havannah* the 20th June, having on board Don Mendimuta, late Viceroy of Santa Fe; she is supposed to have put into *Porto Rico*, and was in a bad condition.

The *Trinidad* and *Saint Anne* are under orders to proceed for *Ferrol*, half manned, in order to remain in that department; in like manner the *Regla*, when careened. These large ships grounding at low water, from the Creek of the *Carracca* having too little water for them in its present state, is assigned as the reason.

The six ships which were armed in this department, viz. the *Trinidad*, *Saint Anne*, *Terrible*, *San Raphael*, *Glorious*, and *Saint Jago* America, continue as before, with few men on board, and little exertion towards manning them.

The *Bahama* and *Argonaut*, two of the six that were fitted out at Carthagena and came round here, have their complement of men on board, and lay in the upper part of the bay ready for service.

They are continuing to overhaul and to careen the remaining ships in the *Carracca* as fast as they can undertake it. The number of caulkers, carpenters, &c. (*maistranzos*) actually employed there may be about two thousand five hundred. The ships actually in dock and repairing in them are the *Rayo*, *San Juste*, and *Soverano*. The department has a suffi-

cient provision of pitch, tar, hemp, rope, and cables, and of sail cloth. I do not find any quantity of naval stores is expected from the Baltic this season, or that there are any contracts.

Nine frigates, of which four from Vera Cruz, are expected soon from thence, Lima, &c. Three of them from Vera Cruz had sailed; the *Venganza* we learn is arrived at Ferrol, or Vigo, with 3,100,000 dollars. The *Sabina* and *Amphitrite*, which sailed with her from Vera Cruz, and having equal sums on board, are said to have put into Teneriffe, and all of them with reduced crews, from having lain at Vera Cruz during the sickly season. They left the *Rufina*, which was to have followed them the 23d June, and may be every day expected. These frigates, and the others from Lima, &c. it is computed may bring about twenty-four millions of dollars.

The *Castilla*, from Ferrol, arrived here the 15th.

No. 21.

Extract of a Letter from the Honourable Rear-Admiral Cochrane to Lord Melville, dated the 23d August, 1804.

THE Spaniards have put their twelve regiments of marines upon the same establishment as ours. Officers distinct from the navy are appointed to them, and they are formed into three departments; viz. Ferrol, Cadiz, and Carthagena. Three hundred French soldiers are within a few days march of this, disguised as sailors, from Bayonne. The Spaniards are afraid to interfere.

No. 22.

Naval Occurrences at Cadiz, for August, 1804, reported by Mr. Duff, his Majesty's Consul at that place.

AUGUST 7.—Sailed for Galicia, the King's *urca*, or store ship, the *Brujalo*.

August 20.—Sailed the *urca* *Santa Justa*, for Trieste, to bring quicksilver.

The ship *San Leandro*, and the frigates *Amphitrite* and *Rufina*, which latterly have arrived from Vera Cruz and the Havannah, are to remain in this department.

The frigate *Matilda*, which arrived from Carthagena the 11th, is under orders, to proceed for the Havannah in the next month, with stores for that department, her commander Don Antonio Vacoro.

The frigate *Magdalena* is continuing to be fitted out at the Carraccas, to proceed for America.

The frigate *Venganza*, which arrived latterly from Vera Cruz with money, and the frigate the *Prueba*, which has been in readiness some time in Galicia, are under orders to proceed soon for Vera Cruz, to bring money.

One frigate, which remained at Vera Cruz, is expected soon with a similar sum for the King, as the three others which are arrived. A very considerable sum, which it is judged may amount to above five millions, is expected from the same place, on account of the merchants, and to come in the merchant ships expected from that part in the course of this year.

The frigates expected from Lima and Buenos Ayres, four or five in number, and one from Carthagena, are not yet arrived; they may be looked for in what remains of this year, and may be expected to bring in all from eight to ten millions, for account of the King and of the Merchants.

N. B. In the Carraccas things continue, and are going on, much as before; the old ship *Rayo*, sister ship to the *Gibraltar*, is changing into a three decker, her bottom has been found very good at this length of time since she has been built; since making out this report, I am informed she registered seamen from the different ports belonging to this department, viz. from that of Ayamante to that of Algesires, both inclusive, have been ordered to repair to the Carracca; this would indicate an intention to man the ships which are fitted out; I will be attentive to the results, and to know how far it may be carried into effect, and as to the object proposed by it; giving information as to the result.

No. 23.

Extract of a Letter from Rear Admiral Cochrane to Lord Melville, dated 5th September, 1804.

ORDERS are just arrived to fit out the ships mentioned in the enclosed list, with all possible dispatch; this, coupled with the sailing of two three decked ships from Cadiz for this port, to be followed by another, and the circumstance of the enclosed ships being ordered to victual for three months only (although said to be bound for America,) makes me conjecture that their designs are not of the most pacific nature. I have therefore ordered the *Illustrious* to proceed directly to Plymouth, without calling off Ushant.

Should the Spaniards have any hostile views against Great Britain, within a month, the following force may be collected here :

Three first-rates from Cadiz.

Three seventy-fours fitting here.

Five French ships ; making in all eleven sail of the line.

The finances of this country are low ; they only wait the arrival of the frigates with treasure to put on a different countenance.

I cannot conceive that Spain, even if at war with America, could require so many line of battle ships, for similar orders are given at Cadiz and Carthagenæ. The time that the armament will be ready for sea, corresponding with that of the French squadron. The three first-rates, fitted at Cadiz, to come round here. All tend to shew that they have some united object in view. Numbers of soldiers for the French are now arriving at Ferrol from France, and many more are now upon the road,

(Enclosure in No. 23.)

List of the squadron of Spanish ships of war, fitting at Ferrol, commanded by Don Caetano Balder.

	GUNS.
Neptune	74
San Augustin	74
Monarca	74
Vengeance	36
Fructo	40
Brugula	Store ship
Urguiso	24 Corvette
A Brig	

Provisions for three months.

No. 24.

Extract of a Letter from the Honourable Rear Admiral Cockburn to Lord Melville, dated the 11th September 1804.

I HAVE been forced to keep the Illustrious, as there does not remain a doubt of the hostile intentions of Spain. Mr. Frere will inform your Lordship that Spain has agreed to the propositions made by America ; so that there is no pretence

Y

for supposing that the armament is on account of that country. Three thousand men embark from hence. I am told that the whole of the ships will be ready to leave this port in fourteen days.

No. 25.

Extract of a letter from the Honourable Rear Admiral Cochrane to the honourable Admiral Cornwallis, dated on board his Majesty's ship Northumberland, off Ferrol, the 19th September 1804.

I HAVE ordered the Majestic to be completed with water, and should nothing particular happen she will be ordered to the Downs agreeable to the Admiralty order. It is impossible to say what state the Spanish squadron may be in; within a few days it must certainly depend upon orders from Court.

I will delay sending the Ganges and Illustrious to Plymouth until I receive further orders, as I do not think the remaining three ships will be safe after their departure, should orders arrive from Madrid to send the Spanish squadron to sea, which they can do in twenty-four hours, should their object be an attack upon the squadron under my orders.

No. 26.

Extract of a Letter from the Honourable Rear Admiral Cochrane to Lord Melville, dated the 20th September, 1804.

I ENCLOSE to you copies of papers which I transmitted to Admiral Cornwallis yesterday.

I have since received an answer from the Captain General of the marine, to my last letter; the evasive nature of which must strike your Lordship, as it does me, that the retiring of the squadron into the arsenal is a mere blind, where they are equally ready for sea as when at anchor in the harbour. Most of their crew live in the vicinity of Ferrol; and they have, it is said, leave granted them until the 15th of next month. I must however remark, that they can be assembled at any time within a few hours.

(First enclosure in No. 26.)

Copy of a Letter from the Honourable Rear Admiral Cochrane to the Captain General of Marine, Ferrol, dated his Britannic Majesty's Ship Northumberland, off Ferrol, 14th September, 1804.

Sir,

KNOWING the political situation in which Great Britain and Spain stood with respect to each other, I was much astonished at being informed that orders had been sent to the different naval departments of this country to increase their marine establishments, and fit out squadrons similar to what is now doing in the port of Ferrol.

As Spain is not engaged in any foreign war, I feel it my duty to demand an explanation, more particularly as the harbour of Ferrol contains five sail of the line belonging to the French, as also one Dutch man of war of the same rate; the officers of whom I am informed declare, that they intend sailing in company with the Spanish squadron; which report seems to be confirmed by their late preparations.

The situation in which I am placed by commanding a division of his Britannic Majesty's ships, calls upon me to enquire of your Excellency if the above facts are true; for should the two squadrons sail in company, I declare to your Excellency that it is my determination to attack that of France and Holland, and I trust in doing so I will not be opposed by the Spanish squadron; the consequences of which may prove fatal to the harmony and good understanding that has so happily subsisted between the two countries, and which my best endeavours have hitherto been used to preserve. At the same time there is a duty I owe my country in maintaining its honour and dignity that is paramount to every other consideration, and by this I must be governed.

I have the honour to be,

With the highest respect,

Your Excellency's, &c. &c. &c.

(Signed)

A. COCHRANE.

His Excellency Don Felix de Texada, Captain
General of the Marine, Ferrol.

(Second enclosure in No. 26.)

Copy of a letter from the Captain General of Marine, at Ferrol, to the Honourable Rear Admiral Cochrane, dated 15th September, 1804.

AT three quarters past twelve of this day, I have received your Excellency's official of yesterday, directed to ask me explanations upon the subject of the armament of ships that your Excellency says is making in this port, and to manifest that you are determined to attack any of the French ships of war and the Dutch ship that are here, should they verify their departure at the same time that the Spanish ships of war effect it.

To the first point I have no objection to answer your Excellency, that though in this department there have been armed three ships and one frigate, besides another that was already fitted out, and some smaller ships for a secret commission; the manner in which these ships have been manned with only half crews; this circumstance alone by itself dissipates all hostile apprehensions on the part of any European power.

And as to what regards the second point, I can only say to your Excellency, that I remain informed of the declaration which your Excellency makes, of attacking the French and Dutch ships of war, should they effect their sailing with the Spanish; and not having the least knowledge of the French intending to depart from this port with the ships of my Sovereign, I give account to his Majesty of what your Excellency has just officiated with me for his royal information, which I lay before your Excellency in reply to your said office.

God preserve your Excellency many years.

(Signed) FELIX DE TEXADA.
His Excellency Alexander Cochrane.

(Third enclosure in No. 26.)

Copy of second Letter from the Captain General of Marine at Ferrol to Rear Admiral Cochrane, dated 15th September 1804.

AFTER having closed the adjoined packet for your Excellency, and having sent it with one of my adjutants to the

English Vice Consul, who not being found, and when my dispatches were already in the post office, in which I inform my Court of what your Excellency had officiated with me, and of my reply, I have received orders to disarm his Majesty's three ships that are in this port, and that only to remain so the two frigates, the packets, and transport ships, that were so before, to be employed in their particular commissions; with which motive I have again opened the said packet, to subjoin to it this information, which should pacify the apprehensions you manifested in your office of yesterday.

God preserve your Excellency many years.

(Signed) FELIX DE TEXADA.

His Excellency Alexander Cochrane.

(Fourth enclosure in No. 26.)

Copy of a Letter from Rear-Admiral Cochrane to the Captain General of Marine, dated his Majesty's Ship Northumberland, off Ferrol, 16th September, 1804.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, in answer to mine of the 14th instant.

It affords me much pleasure to understand, that your Excellency has received orders to retire into the arsenal and disarm the Spanish squadron now in the harbour of Ferrol. May I beg of your Excellency to know, for the information of my court, if the orders are for the actual disarmament of the squadron, that is to say, disembarking their guns, provisions, rigging, &c. as also for the discharge of their respective ships companies.

I am well aware, that ships of every description can remain in the arsenal equally ready for sea as at anchor where they now are; and the duty I owe my country puts me under the painful necessity of making the demands I now do.

May God long preserve the peace between our two countries, and grant your Excellency many happy years.

I have the honour to be, &c. &c. &c.

(Signed) A. COCHRANE.

His Excellency Don Felix de Texada,
Captain General of Marine,
Ferrol.

(Fifth Enclosure in No. 26.)

Copy of a Letter from the Captain General of Marine to the Honourable Rear-Admiral Cochrane, dated the 18th September 1804.

TO the office that your Excellency has been pleased to address me, under date of the 16th of the present month, and which was delivered to me yesterday morning, I can only reply to your Excellency, that the King's ships which I informed your Excellency by my second office, dated the 15th, should enter the arsenal, have already effected it, will remain in the same state they were in before their equipment for to get into port, which has been the origin of the apprehensions your Excellency had, and which you manifested to me in your letter of the 14th, and to which I have replied to your Excellency by my two officials on the following day, which I re-assure your Excellency in answer to your said official; and wishing for opportunities in which I may be able to evince the consideration I have for your Excellency's person.

God preserve your Excellency many years.

(Signed) FELIX DE TEXADA.

His Excellency Alexander Cochrane.

No. 27.

Naval Occurrences at Cadiz, &c. for September, 1804, reported by Mr. Duff, his Majesty's Consul at that Place.

UPON the 13th arrived the two store ships belonging to the King; the Presentation and Aurora from Galicia, with timber, for Carthagena, and 450 of the troops destined for Tijas. The first proceeded the 23d for her destination, the second went to the Carracca to repair her main mast. The troops were landed at the island and incorporated with the force which is forming there for that service, under the command of Don Pedro Grimarest, who is to command there, as is, according to report, Don Jph. Caro, lately promoted to the rank of Captain of a ship from that of Captain of a frigate, to qualify him for the command, which is to consist in frigates. For the present, 1600 troops are only intended to be sent out, and probably will go to the Havannah in the first instance.

In the Carracca, the frigates Magdalena and Refina are getting ready, and in the bay, the frigate Pomona, (lately

arrived from the department of Carthagena), also the *Amphitrite*. In all these frigates they are forming the case for receiving on board the quicksilver destined for the Havannah and Vera Cruz.

In Galicia, the frigates *Venganza* and *Pruesa* are under sailing orders for Montovideo.

From Montovideo was expected to sail the 25th July, the frigates *Assumption*, *Paz*, and *Mercedes*, which had put in there from Lima, where they have united with the frigates *Clara* and *Medea*, which were upon that station. The whole being a money or plate register, and under the command of the *Gefe d'Esquadra*, Rear Admiral Don Joseph Bustamante. They are expected to bring six millions.

The ships which had been ordered to be fitted out at the Carracca (and which, with respect to armament, have been so these some months past) remain in the same situation as they have been of late. Only three of them have any number of men on board. These are the *Trinidad* and *St. Ann*, having about 500 each, and the *America*, with nearly her complement. The other three with hardly any. The *Argonaut* and *Bahama*, which came from Carthagena, are completely manned and ready for service in every respect. The careening of the remaining ships in the Carracca is carrying on.

No. 28.

Extract of a Letter from Captain Gore, of the *Medusa*,
dated 5th October, 1804.

THE French ship *L'Aigle*, of 74 guns, and five sail of Spanish line of battle ships, are perfectly ready for sea at Cadiz. The *Santissima Trinidad* and the *St. Ann*, both first rates, are fitting, but not ready.

No. 29.

Copy of a Letter from Captain J. C. White, to Lord
Melville, dated 19th October, 1804.

My Lord,

In obedience to your Lordship's commands, I herewith state the force of the French and Spanish ships, as far as came under my observation during my stay at Cadiz, between the 27th of August and 5th of September last, viz. In the

Pontal or Road of Cadiz, the French force consisted of L'Aigle, of 74 guns, and two corvettes, manned and ready for sea.

The Spanish force in the Pontal consisted of the guardship, an old non-effective 60 gun ship; two ships of the line, one of 70 the other of 64 guns; these had recently arrived from the colonies, were badly manned, sickly, and appeared by no means effective ships of war; four frigates were also lying in the road, two of them were in good order, and appeared fully manned; the other two I understood were incomplete, sickly, and wanting repairs; they had lately returned from the colonies.

The Spanish force at the Carraccas I understood consisted of two ships of 74 guns, about half manned, and were fitting it was said merely to be carried round to Ferrol to be laid up; an 80 gun ship was repairing at the Carraccas, and to have a third tier added to her.

The above was, as nearly as I can recollect, the naval force at Cadiz on the 5th of September; and as far as my observation and enquiries led, there did not at that time appear any thing like a naval armament on foot.

I have the honour to be, &c. &c. &c.

(Signed)

JOHN C. WHITE.

PART IV.

No. 1.

Copy of a Dispatch from Lord Hawkesbury to J. H. Frere, Esq. dated Downing-street, 1st October, 1802.

Sir,

THE accustomed political relations between this country and Spain being re-established, it is important that I should inform you of the line of conduct which it will be proper for you to adopt, and of the language which you ought to hold in your communications with the Spanish Government, as his Majesty's Minister at Madrid.

You will omit no opportunity of assuring the Ministers of his Catholic Majesty, conformably to your instructions, of the sincere and anxious desire of the King to cultivate a good understanding between the two countries; and, in order to give a full effect to these sentiments, you will manifest, in all your proceedings, the most friendly and conciliatory conduct.

There are three objects of different value in themselves, which you should always bear in mind in your communications with the Spanish Government, and which you will bring forward as circumstances will permit.

The first would be to establish an unreserved confidence, and a friendly connection between our two Governments; this, though highly desirable, may be attended with insurmountable difficulties from the prevalence either of the French interest in the Spanish Councils, or from the dread of French power. The success of it will depend in a great measure upon the characters and disposition of the Spanish Ministers. The object is, however, so important, that no means, to which we can with prudence resort, ought to be neglected for its accomplishment. The second object would be to secure the neutrality of Spain in the event of another war between his Majesty and France. All the reasoning applied to the first object will be applicable, in a still greater degree, to

the second : and there may be circumstances under which this object may be attainable, when the first must be necessarily abandoned. The third object proceeds upon the ground of the two former being found impracticable, and of the impossibility of dissolving the connection which has subsisted between France and Spain. In that case our utmost endeavours should be used to render Spain, in the event of a war, an unwilling and tardy enemy. It is scarcely necessary for me to inform you, that much would be obtained even by success in this particular, for if, in the event of a war, the Spanish Government could be induced to enter, even slowly, into the views of France, and to create as many delays as possible by negotiation before they had recourse to hostilities, his Majesty would have the advantage of being able to direct the whole of his force in the first instance against France, and would not be under the necessity, at the commencement of a war, when the disposable naval force of this country is necessarily less considerable than it is at succeeding periods, of diverting this force to too many quarters, at the time when he is least prepared. These different objects are to be preferred in the order they stand, and his Majesty relies on your zeal to give effect to the instructions he has given you respecting them.

I am, &c.

(Signed)

HAWKESBURY.

J. H. Frere, Esquire,
&c. &c. &c.

No. 2.

Copy of a Dispatch from Lord Hawkesbury to J. H. Frere, Esq. dated Downing-street, 27th October, 1802.

Sir,

SINCE I wrote my last dispatch, No. 1, events have occurred which may possibly lead to a rupture between his Majesty and the French Government. I think it important that you should be apprised of them ; and I therefore inclose you a copy of the note verbale which I presented to M. Otto, on the affairs of Switzerland, and of the instructions which have been given to Mr. Moore on the same subject. You will consider these communications as made to you in the strictest confidence ; but if, as may be expected, any conversation should arise between you and the Spanish Government on the

subject, you will not fail to represent the system of encroachment and aggrandizement which has been invariably manifested by the French Government since the conclusion of the definitive treaty, in its proper colours, and how essential it is that every independent state should unite in resisting the exorbitant pretensions of France. You will conform yourself, in your communications on this subject, as much as possible to the general instructions contained in my dispatch, No. 1. ; and you will, above all, endeavour to impress upon the Spanish Government his Majesty's anxious desire that, in the event of a war between him and France, the Court of Madrid may be induced at least to preserve a strict neutrality, and his Majesty's determination, in that case, to respect that neutrality by every means in his power.

I am, &c.

(Signed)

HAWKESBURY.

J. H. Frere, Esquire,
&c. &c. &c.

No. 3.

Memorandum, without signature or date, from the Chevalier d'Anduaga—Received 29th August, 1803.

Difference between the Family Compact of 1761, and the Treaty of Alliance of 1796, between Spain and France.

Family Compact.

According to the family compact, the two powers will consider as their enemy every power who shall become enemy to one of the two crowns.

Art. 1.

The inviolable and mutual guarantee shall be supported by all their forces; and their Majesties, according to the principle which is the basis of this treaty, agree that whoever attacks the one crown, attacks the other. Art. 2

(Here follow the articles relative to the first succours.)

Treaty of 1796.

According to the treaty of 1796, if one of the two powers finds itself threatened or attacked, the other promises, engages, and obliges itself to be aiding with its good offices, and to assist it when so required, according to the stipulation of the following articles. Art. 2.

(Here follow the articles relative to the succours.)

The first succours are to be considered as an obligation inseparable from the ties of relationship and intimate union, and these succours shall be the least that the power required can do for the power who may stand in need of assistance; but as the intention of the two Kings is, that a war once begun by or against one of the two crowns, shall become proper and personal to the other; it is agreed, that as soon as the two Kings shall be in a state of war with the same enemy or enemies, the obligation of the said succours shall cease, and in lieu thereof the two crowns shall be bound to make war conjointly in employing therein the whole of their force. Art. 16.

If the said succours are or should become insufficient, the two powers shall put in action the greatest force in their power, as well by sea as by land, against the enemy of the power attacked, which power shall employ the said forces either conjointly or separately, according to a plan that shall be concerted between them. Art. 11.

The succours stipulated by the preceding article shall be furnished in any war which the contracting powers may have to carry on, even should the party required not be directly interested therein, and should only act as auxiliary. Art. 12.

In case the motives for hostilities should be so prejudicial to both parties as to induce them to declare war by common consent against one or more powers, the limitations established in the preceding articles shall cease to have effect, and the two contracting powers shall be bound to employ against the common enemy the whole of their forces by sea and land, and to concert plans to direct such forces either collectively, or separately, towards such points as may be deemed most advisable. They also bind themselves in the case pointed out in this article, not to treat for peace, but by common consent, and in such a manner as that each party may obtain that satisfaction to which they are entitled. Art. 13.

In case one of the powers should act only as auxiliary, that power which alone shall be attacked may treat for peace separately, but so as to prevent any prejudice resulting therefrom to the auxiliary power, and moreover so as it may tend as much as possible to its direct advantage; for which purpose notice shall be given to the auxiliary power, of the mode and time agreed upon for the opening of the negotiations. Art. 14.

REMARKS.

By simply comparing the most striking articles of the two treaties, it clearly appears that the family compact was in reality a treaty of alliance offensive and defensive, since it stipulated, that the allied power who was not at war should consider the enemy of his ally as his own; whilst the alliance of 1796 is in itself merely defensive, inasmuch as it only exacts certain succours from the allied power who may be menaced or attacked, and that the alliance does not become offensive, unless the motives for hostilities being prejudicial to both parties, they should declare war by common consent. This observation is so much the more necessary, as the first article of the treaty of 1796 has this expression: "There shall exist a perpetual alliance offensive and defensive between the French Republic and his Catholic Majesty the King of Spain." Those who may not attentively peruse the treaty, and those particularly who may not compare it with the family compact, might be led from this vague expression, to believe that an offensive and defensive alliance actually exists at one and the same time; that is to say, that the ally of the power attacked must ipso facto consider the enemy of that power as his own, and believe himself in a state of war with him, and consequently as out of his power to continue neutral towards him.

It is equally important to attend to the text of the 11th article of the treaty of 1796, and particularly to the phrase, "shall put in action the greatest force in their power," for this force is, and can only be, an augmentation of the succours to be made to the stipulated succours; but it is an augmentation which can take place, first, only in the event of the succours furnished not being sufficient; and, secondly, only according to the power and means which the party required may have for making the augmentation. One sees at once that it cannot be otherwise: First, because if by the aforesaid phrase it was meant that the power required should be considered as bound to put in action all his forces, it would be absurd; since he could not do more even were he himself at war with the enemy of his ally: Secondly, because the 13th article of the same treaty exacts the employment of the whole of the forces of the power required, only in the case wherein the two powers should declare war by common consent against other powers.

No. 4.

Memorandum, without signature or date, from the Chevalier d'Anduaga, received 1st September 1803.

SPAIN, the ally of France, and at the same time a friend of England, finds herself at this moment called upon to fulfil towards each of them the respective duties of alliance and of friendship.

The treaty of alliance concluded with France in 1796, although termed an offensive and defensive alliance, being only, properly speaking, an alliance strictly defensive, according to the tenor of all its articles, and the striking difference which exists between its engagements, and those contained in the family compact of 1761, his Catholic Majesty trusts, he can reconcile his engagements to furnish to France the succours stipulated by the treaty of 1796, with his most ardent desire to maintain his friendly connections with his Britannic Majesty. The perfect harmony and good understanding, which have subsisted between the two monarchs since the re-establishment of the last peace; the reciprocal proceedings and the principles of the law of nations to be pursued under circumstances similar to those in which Great Britain and Spain are actually placed, are so many reasons, which prove the justice and the necessity of the conduct which his Catholic Majesty proposes to pursue at the present moment. France confining herself to the requisition of the stipulated succours, and Spain to furnishing them to her, but without allowing herself to commit any act of direct hostility against England; his Catholic Majesty cannot for a moment doubt of his Britannic Majesty's disposition to observe a like conduct on his part.

By such a conduct, his British Majesty would, in the first instance, afford to Spain, and to all Europe, a proof of his justice, of his wisdom, and of his impartiality. He would make a distinction between a friendly power who did not furnish succours to his enemies through ambition, resentment, or any vicious views, or others inimical to him, but solely to fulfil general eventual engagements previously contracted, and the power who should form connections inimical to England with her enemy, in the very moment of war, and with the same hostile spirit and views as its ally. His Britannic Majesty would obtain for the people of the united kingdom of Great Britain and Ireland the great advantage of the continuance of

their commerce with Spain, not only during the present war, but also in all those in which neither party having any subject of complaint against the other, England would remain in friendship with Spain, notwithstanding her being at war with France. His Britannic Majesty would besides establish from this moment the just idea which should be entertained, especially in England, that a rupture with France does not necessarily produce ipso facto, and, according to treaties, a rupture with Spain.

His Britannic Majesty and his Ministry are too just and too enlightened for it to be supposed that they can entertain an opinion contrary to the principles above stated, or to the advantages which England would derive from them, even should she agree to the system of conduct pursued by Spain. So fully convinced is the King of this, that he cannot entertain the smallest doubt upon the subject; and he expects with perfect confidence to receive, in the concurrence of his Britannic Majesty and of his Government in the system of the King's conduct, a new proof of their rectitude, and of their friendly sentiments towards the King and the Spanish people.

No. 5.

Memorandum from the Chevalier d'Anduaga, without signature or date, received 1st September, 1803.

THE question, whether England shall acknowledge the neutrality of Spain, appears to be reduced to the determining whether the treaty of that power with France of the year 1796, is an offensive or defensive alliance. It is agreed, that if this treaty merely contains stipulations of limited succours, it might be considered as an alliance strictly defensive; but as it is stated in the first article of the treaty, "there shall exist a perpetual offensive and defensive alliance between the French Republic and his Catholic Majesty;" and moreover, in the second article, that if the stipulated succours were or should become insufficient, the two powers should put in action the greatest forces in their power; it is pretended, that by this new obligation the succours become unlimited, and therefore the alliance takes an offensive character.

With respect to the first article of the treaty, it is to be observed, that the offensive and defensive alliance spoken of is in fact two alliances, each of a different kind, and which refer to two different periods. The first is that in which the

power, whose ally is threatened or attacked, acts merely as an auxiliary. The second is that in which both powers should declare war by common consent against one or more powers. The first period relates to defensive, the second to offensive alliance; and although the first article embraces the two periods collectively, the other articles of the treaty distinguish them in the clearest manner; and it is evident that the defensive alliance takes place in one case, and the offensive alliance in another; which latter is merely hypothetical, as it cannot take place, but when the two allies shall declare war by common consent; consequently the defensive alliance may exist, without its becoming an offensive one, and without being in contradiction to the first article, which speaks of the one and the other at the same time.

The same distinction of the two alliances, and of the two periods, serves equally to explain the eleventh article in its true sense, and with that justice which is required by the definition of a duty, on the nature and extent of which doubts have arisen. The treaty itself fixes and separates in its articles the two alliances, and the two periods, in such a manner as, that, on the bare reading of it, one discovers that the article 12. closes the first period; and that the second commences at article 13. that is to say, that article 11. relates to defensive alliance, and article 13. to offensive alliance, from which it results, that article 11. as relating to the period of defensive alliance, should be explained according to the nature of that alliance, and according to the analogy which the accessory condition contained in article 11. has with the principal conditions mentioned in the preceding articles.

The nature of defensive alliances is to compel an auxiliary to furnish to his ally limited succours; and this is the case in the alliance in question; for the expression, "shall put in action the greatest force in their power," neither can or ought to be construed as if the auxiliary was compelled to make the same efforts as the ally, but each one in proportion to the nature of his situation. The one puts in action all his forces to defend himself against the enemy, or to do him all possible injury; the other adds to the succours to be furnished any other in his power, to assist his ally, but always in quality of auxiliary, and in proportion to the stipulated succours. That expression of article 11. which appears in the first instance to call upon the auxiliary to furnish ultimately as much or more to his ally, has, in fact, no other meaning than this: "The auxiliary shall make whatever addition may be in his power

to the stipulated succours ;" and, although the amount of the new succours is not fixed in article 11. it is evident, that it is because much cannot be required of the auxiliary, after having received that which, according to the nature of the alliance, the auxiliary was bound to furnish. And it is also an advantage to the auxiliary, that article 11. does not specify the amount to be added to the first succours, for, otherwise, the ally would have the power to prescribe how much the auxiliary ought to furnish him in conformity to the treaty ; instead of which at present it is the auxiliary himself who is to fix the extent of the succours, according to his position and his own interests, but, however, without failing in his engagements. The auxiliary being called upon to decide upon this point, can never depart from the rule which he ought to follow in his proceedings, if he means to preserve his character of auxiliary, and to consult his own interests. One of his first interests is that of preserving his connections of friendship and good understanding with the power who may be at war with his ally, since, if the auxiliary should exceed the limits of his duty towards the ally by furnishing considerable succours, he would degenerate into the real enemy of the said power. This consideration is likewise the surest guarantee to that power, that the auxiliary will confine himself within the boundaries which his situation prescribes.

It therefore follows that, conformably to the rules of justice and of equity, and of the position of an auxiliary towards its ally, the proportion of subsidies to be added should rather be lessened ; because, in fixing the line of demarcation between a defensive and offensive alliance, the more one shall incline to the latter, the more the auxiliary power would incur the risk of being forced into a war, and the more would she deprive herself of those forces of which she would stand in need for her own preservation, in case she herself should have a war to sustain.

All this reasoning is founded upon the treaty of 1796 itself ; because, after having spoken of the succours to be furnished in the first instance, and afterwards of putting in action the greatest force which both powers can bring forward, it is stated in the 13th article, that when they declare war by common consent, the " limitations established" in the preceding articles shall cease to have effect. From whence it is clear, that even, according to article 13, the additional succours are acknowledged to be limited succours.

A 2 .

No. 6.

Extract of a Dispatch from the Right Honourable Lord Harrowby to J. H. Frere, Esquire, dated Downing Street, 11th July, 1804.

AS it is the wish of his Majesty to persevere as long as possible in the system of forbearance which has hitherto been pursued towards Spain ; and for that purpose to attempt once more to press upon the Spanish Government the necessity of making an unreserved communication of its engagements with France, and of its views with respect to Portugal ; it is evident that no such attempt can be made with any prospect of success, while circumstances of personal irritation prevent any intercourse between the British Minister and the most leading person in the Spanish Councils.

No. 7.

Copy of a Letter from the Chevalier D'Anduaga to Lord Harrowby, dated Portland Place, 4th November, 1804.

My Lord,

IMMEDIATELY after the receipt of dispatches from my Court the day before yesterday, I called at the Office for Foreign Affairs, requesting an interview with your Excellency. Having learnt from Mr. Hammond that you were unwell, but notwithstanding ready to see me in case I should absolutely require it, I judged it would be indiscreet to intrude upon you, and contented myself with mentioning to Mr. Hammond the subject of the conversation I wished to have with your Excellency, requesting him at the same time to induce your Lordship to grant me an audience as soon as possible. In the mean time I hasten to inform you, that I have received by the last packet from Lisbon a copy of Mr. Frere's note of the 27th of September, and of the answer of my Court thereto.

I cannot conceal from your Excellency the surprise which the perusal of Mr. Frere's letter has occasioned me, when compared with the striking contrast displayed in the noble, frank, and moderate style and tone held by the Spanish Minister. Mr. Frere, in too easily taking for granted a fact, of which he should previously have ascertained the existence

and the precise nature, protests against a naval armament preparing at Ferrol. Mr. Frere has been led into an error when he gave credit to such an armament, since none exists of a nature to justify the complaints which he has brought forward in his letter.

If in the beginning of September the King my master thought proper to give orders for some ships of war to sail for Biscay, in order to transport troops thither, his Majesty was unfortunately but too well justified by the troubles which had just broken out there in taking that step. Mr. Frere could not be ignorant of this circumstance, and consequently ought never to have attributed such odious intentions to preparations, the destination of which it was so easy to discover.

Neither had the British Government any ground for alarm in hearing of these preparations, since the *Naiad*, the frigate which brought the accounts of these pretended armaments, brought also several letters, announcing, in a positive and uniform manner, the real object of them. I mentioned them myself to your Excellency in my conference of the 24th of September, and on the 26th I had the honour of presenting Mr. Brickdale, Lieutenant Colonel of the regiment of *Hibernia*, who shewed your Excellency two letters which he had received from his Colonel, dated 5th and 11th of September. These letters, dated from Ferrol, written by the Commander of a corps in garrison there, and filled with details respecting the destination of the troops, of which his own regiment itself was to form a part, were convincing testimonies, and well calculated to remove the shadow of a doubt. But this is not all: if it were necessary to furnish other data in order to re-establish confidence in the British Government, subsequent advices from Ferrol of the 18th of September must have completely convinced your Excellency of the entirely pacific intentions of my Court; inasmuch as at that moment his Majesty had actually ordered every preparation to be suspended, and the troops destined to re-establish tranquillity in Biscay to be sent by land.

After this, how is it possible that Mr. Frere, in his note of the 27th of September, has not hesitated to treat as "an hostile aggression," an armament (if it can be so called) which had ceased for several days, and which by the notoriety of its destination could not have merited, under any case, so extraordinary a denomination? How could he represent to the King in such unfavourable and unjust colours a measure not less foreign to the interests of England than indispensable

for the support of order in a province of Spain? How could he think it necessary to call the attention of the Spanish Government "to the serious consequences which must result from their answer, lest they should plunge Spain unnecessarily into a ruinous war?"

How different from the tone of bitter menace which pervades the whole of Mr. Frere's letter is the language, full of dignity and good faith, of moderation and of frankness, in which the note of the Spanish Ministry is expressed; strong in the purity of the views with which the King's mind has been ever guided, the Spanish Ministry in their answer content themselves with the assurance "that his Majesty never entertained an idea of being wanting to his engagements with the British Government; that they would continue, as they had hitherto done, to prevent any armament being fitted out against Great Britain, and that every report which might have reached Mr. Frere contrary to such assurance is absolutely void of foundation, and injurious to the reputation which the Spanish Government so justly possesses."

This answer, which is in no degree contradicted by the information received by the British Ministry relative to the pretended armament, being perfectly consonant with the loyal and systematic conduct which my Court has invariably followed since the rupture between Great Britain and France; ought to inspire the British Government with confidence as to the pacific sentiments which his Majesty has never ceased to cherish with regard to England. Moreover, the King has the welfare of his people too much at heart; he attaches too much interest to what he owes to other Sovereigns, to permit him, in the midst of peace, setting treaties at defiance, and in opposition to his most solemn and sacred promises, to venture on a step which would draw down on his kingdoms the most cruel of all scourges, would deal a deadly blow against his fame, and tear from him that treasure which his Majesty values beyond all others, the testimony of his conscience.

I embrace this opportunity to renew to your Excellency the assurance of the high consideration with which I have the honour to be,

My Lord,

Your Excellency's most obedient
humble servant,

(Signed) The Chevalier D'ANDUAGA.

His Excellency my Lord Harrowby,
Principal Secretary of State for
Foreign Affairs.

No. 8.

Copy of a Letter from the Chevalier D'Anduaga to Lord Harrowby, dated Portland Place, 11th November, 1804

My Lord,

YOUR Excellency will doubtless have already learned the arrival at Portsmouth of the Spanish frigate *Mathilde*, which was detained on the 23d of October, and carried into the above-named port on the 8th instant by the *Medusa*. The circumstances of this new instance of detention, of which I have been informed by the Spanish Captain's report, only render more odious the effects of that order issued by the British Government, which has given rise to it.

The Spanish frigate which left Cadiz on the 22d of October last, with all the security naturally inspired by the completely pacific relations which were supposed still to subsist between Spain and England, having on the following day fallen in with the *Donegal*, of 84 guns, and the *Medusa*, of 44; this latter ship, after having fired one gun, which, in the usual manner, the *Matilda* returned, made not the least scruple of discharging at her a whole broadside. The Spanish Captain, astonished at such a proceeding, complained of it to the Commander of the *Donegal*, who having asked him some questions with regard to the time of his departure, and the number of the sick who were on board the frigate, requested him to send him a boat. The Spanish Captain sent him accordingly the boat, with an officer of the navy who speaks English, and directed him to convey to the British Commander the expression of all those sentiments which naturally arise in similar occasions between officers belonging to two friendly Governments. Perceiving that the Spanish officer was detained too long, the Captain of the *Mathilde* requested the English Commander to send him back as soon as possible, in order that he might be enabled to continue his voyage. To this the Commander replied, that he was occupied in writing a letter, which was soon after sent to him. The import of this letter, which was written in English, was, that the differences which had arisen between the two Courts having obliged that of London to order the detention of all Spanish ships of war, the Commander was under the necessity of detaining the *Mathilde*, and summoned the Captain to surrender without making any resistance, and in the space

of five minutes, "if he did not wish to be sunk." The Spanish Captain, not understanding English, directed the officer who was the bearer of this letter to explain to him the subject of it; but what was his surprise, when the ship of the line and the frigate began to fire on the *Mathilde*, before the above-mentioned officer could get at the contents of the letter. The Spanish Captain defended himself with courage against this unforeseen attack, and did not surrender to so prodigious a superiority of force till after a resistance as honourable as it was useless, in which two of his ship's crew were killed, and several others wounded.

I will abstain from any reflections on the manner in which the English Commander conducted himself on this occasion. Proceedings of this nature cannot but dishonour those who are guilty of them; they are too openly repugnant to the laws of honour not to excite indignation in every mind endowed with the noble sentiments which it inspires.

But I think it my duty to observe to your Excellency, that this new violation of the law of nations can only tend to augment the doubts to which the unfortunate event of the 5th of October will necessarily have given rise in his Majesty's mind, as to the sentiments which the British Ministry entertains towards him; at the same time that it will convince his Majesty of the inutility of the efforts which he has made to maintain his amicable relations with England.

That the British Government should have been alarmed, on learning the first accounts of our preparations at Ferrol, when they were transmitted to them through channels which seemed to take pleasure in disfiguring the truth, and in representing it in a light altogether unfavourable; that under the first emotion of surprise, to which nevertheless it never should have so easily yielded, it should have given that extraordinary order, the unhappy consequences of which will have struck with astonishment all the Courts of Europe, was doubtless a proceeding as opposite to the most sacred principles, as it was unexpected from the relations subsisting between the two Courts; but it still left the hope, that, recovering from its former alarms, and after having received more correct intelligence on the nature and the object of our preparations, the British Government would give express orders to its ships to respect henceforward the Spanish flag, and would await with the tranquillity natural to a ministry sincerely desirous of the continuance of peace, the issue of the negociations entered upon with Spain.

But when Spain shall perceive that nothing will cause the British Ministry to desist from its hostile measures; that neither the impartial conduct which my Court has constantly manifested since the commencement of hostilities between France and England, nor the total suspension of the preparations at Ferrol, the only motive alledged by England to justify the system which she seems to have made it a rule to adopt for this some time past, nor the frank and moderate answer made to the exaggerated representations of the English Chargé d'Affaires residing at Madrid, can secure his Majesty from the insults which his flag continually receives, will it not warrant a suspicion that England purposes to accumulate on Spain every kind of aggression, in order to bring on a rupture, which the well-known sentiments of his Majesty, and his constant eagerness to prevent every subject of reciprocal complaint, ought to render impossible? I will confess to you, my Lord, in frankness, however animated the King my master may be with the sincere desire to maintain his relations of friendship with the British Government, however ready he may be to make still more sacrifices for the maintenance of peace; if England perseveres in the system which its Government has lately developed, his Majesty will find himself obliged to stifle the pacific sentiments of his heart, in order to attend only to the interest which he takes in the welfare of his people, and in the complete security of his kingdoms.

It only depends therefore on the British Government to prevent the disastrous consequences of such an event, by putting an end to those hostile measures, the continuance of which would be an incontestible proof in the eyes of all Europe, that it was absolutely decided upon to make war on Spain.

I avail myself of this opportunity, &c.

(Signed) The Chev. D'ANDUAGA.

To his Excellency Lord Harrowby, Principal
Secretary of State for Foreign Affairs,
&c. &c. &c.

No. 9.

Copy of a Letter from W. Marsden, Esquire, to George Hammond, Esquire, dated Admiralty-Office, 15th November 1804.

Sir,

I HAVE received and communicated to my Lords Commissioners of the Admiralty, your letter to me of yesterday's date, inclosing a copy of one from the Chevallier d'Anduaga; and I have their Lordships commands to acquaint you, that no time shall be lost, in making a strict enquiry into the circumstances therein stated: which appear to the more extraordinary, as in the report made to them by the Captain of the Donegal, mention is made only of a few shot fired at the expiration of the time limited for the surrender.

I am, &c.

W. MARSDEN.

No. 10.

Extract of a Letter from W. Marsden, Esquire, to G. Hammond, Esquire, dated Admiralty-Office, 16th November 1804.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you inclosed, for the information of Lord Harrowby, copy of a letter from Captain Gore of the Medusa, in answer to the statement he was called upon to make of the circumstances attending the surrender of the Spanish frigate Matilda.

(Inclosure in No. 10.)

Medusa, at the Motherbank,
16th November 1804.

Sir,

I HAVE received your letter of the 13th instant, and in reply thereto I have to acquaint you, that, during a very squally night of the 22d ult. the Donegal and Medusa were separated, and that on the morning of the 23d at half past seven A. M. we saw a ship in the N. E. which we judged to be a man of war (and not the Donegal), I consequently wore and made sail towards her. As we approached I observed she was evidently a Spanish frigate, and making sail to cross us.

She going on a wind to the S. W. we to the northward, wind at W. N. W. I consequently let two reefs out, and hoisted an English St. George's ensign. Nearly at the same moment I saw the Donegal in the N. W., hull depressed, boarding a merchant brig, and soon after bear up and make sail towards us.

About half past nine o'clock the strange ship crossed our weather bow about one mile, under Spanish colours and a press of sail. I ordered a shot to be fired far a-head of her, which she answered by a gun without a shot, but did not bring to. I fired a second and third, when she fired one shotted; and, when she was upon our weather beam, I ordered the broadside to be fired over her, and tacked; she then brought to. During this time the Donegal had closed, and while I was working the Medusa up, some communication had passed between Sir Richard Strachan and the Spanish captain, and about half past ten Sir Richard summoned me on board by signal (their Lordships are already in possession of the result of our determination, which was the effect of mature deliberation); after which, a quarter past noon, I returned to my ship, and the space of ten minutes being elapsed from the time the Spanish officer had got on board his ship, Sir Richard made the Medusa's signal to wear and engage, (I must here observe that the Medusa was about pistol shot distant upon the Matilda's lee beam, and the Donegal advanced upon her weather bow), having previously urged me to be cautious not to hurt any one on-board the Spanish frigate, if it was possible to be avoided, and to give my orders to fire over her, and previous to my quitting the Donegal, I heard Sir Richard charge his officers to the same effect.

I did so, and upon firing our broadside a-head, a-stern, and over her, she struck her colours; but the situation of the Donegal prevented Sir Richard Strachan perceiving it, and as the Spanish broad pendant was still flying, the Donegal fired her quarter deck and poop carronades, but not a single gun (her lower deck guns were not run out), nor did the Medusa fire a gun a second time. Only two shot struck the Matilda; one from the Donegal entered her larboard bow in the carpenter's store room, and one from the Medusa entered her side at the gangway; and I most roundly assert that neither officer or man was killed or wounded on board her, both from our own knowledge and the declaration of Captain de la Guardia, and all his officers, for it was the first question I asked when they came on board the Medusa, and the Spa-

nish Captain has repeatedly told me, that all our shot, except two, went clear of the Matilda.

And how he could deliberately assert that we had killed two and wounded several of the crew, I am at a loss to conceive, more particularly as that letter was written in my cabin, and I furnished him with data, and ultimately sent his letter to the Spanish Minister, with the dispatches to their Lordships on the day of our arrival, which is the only circumstance in this transaction of which I can charge myself with having acted improperly; and even here I trust I can acquit myself, for I did it with the motive of befriending Captain de la Guardia, his officers and crew, and of obtaining them that relief which I had it not in my power to bestow.

The following copy of Sir Richard Strachan's letter to Captain de la Guardia refutes his assertion, that the Captain of the Donegal recommended him to surrender without resistance ("s'il ne vouloit pas être coulé bas.")

His Majesty's ship Donegal,
23d October 1804.

Sir,

THE negotiations which are pending between our two Governments render it my duty to prevent his Catholic Majesty's frigate Matilda, under your command, from proceeding upon her present voyage, and that I must detain her until my Sovereign's pleasure is further known.

I therefore request you will surrender to our wishes, and I allow you the space of five minutes to determine.

I beg leave to call your attention to the very great superiority of force now before you, and that any resistance on your part must be unavailing; and I must add, that if his Majesty's ships or subjects receive any injury, you must expect it to be retaliated severely.

I have, &c.

R. I. STRACHAN.

To the Captain of the Spanish frigate Matilda,

Facts speak strongly in this case, for had it been our intention to have struck the Matilda, situated as the Donegal and Medusa were, one broadside from each would have annihilated her; instead of which neither mast, yard, sail, or rope, were touched. Did it become me to follow the example of the Spanish Captain to censure and reprobate the conduct of the Spanish Government, the occurrences during the

last twelve months, when I have been entrusted with the command as senior officer of his Majesty's ships and vessels on the Gibraltar station, afford me ample subject for animadversion; and I do not hesitate saying, that the open partiality they have marked towards our enemies merits any chastisement his Majesty may think proper to inflict.

I am, &c.
JOHN GORE.

Wm. Marsden Esquire, &c. &c. &c.

No. 11.

Extract of a Dispatch from Lord Hawkesbury to J. H. Frere, Esquire, dated Downing-Street, 20th May 1803.

Sir,

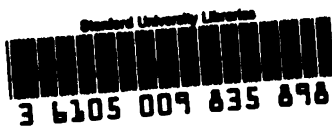
YOUR several dispatches to No. 12 inclusive, have been received and laid before the King.

I send you inclosed for your information the copy of a message from his Majesty to both Houses of Parliament, from which you will perceive that the discussions which have subsisted between his Majesty's Government and that of France, have been brought to an unfavourable conclusion.

I shall forward the papers which his Majesty has deemed it proper to communicate to Parliament, by a messenger whom I shall dispatch to you in the course of a few days, for the purpose of furnishing you with precise instructions for the regulation of your conduct at the present important period.

In the mean time I have to signify to you his Majesty's pleasure, that you take an early opportunity to assure the Spanish Government of the King's sincere and anxious desire that the relations of peace and amity which have been so happily re-established between him and his Catholic Majesty may be preserved.

I am, &c.
(Signed) HAWKESBURY.



J
301

KB74

v. 1
1805

NONCIRCULATING

**Stanford University Libraries
Stanford, California**

Return this book on or before date due.

--	--	--

